

The Jefferson

to

C. 38. d. 27

Col^d. Smith.

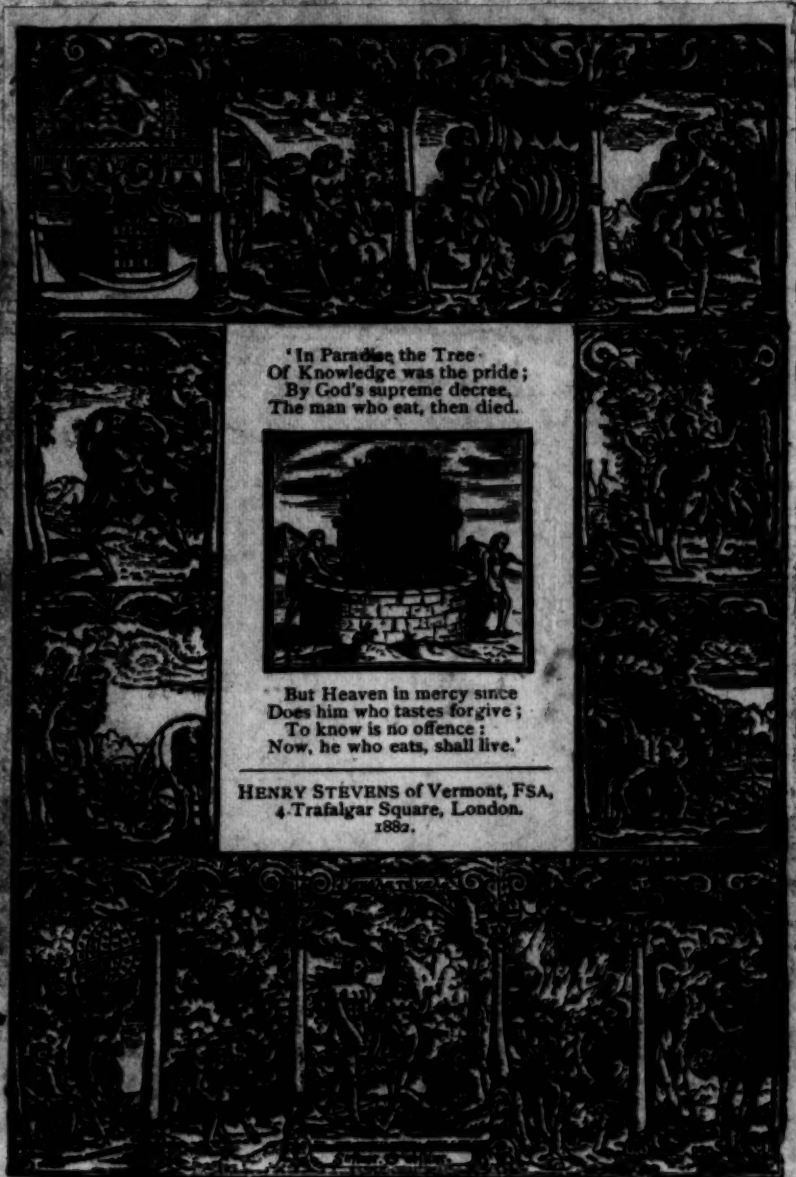


The Jefferson

to

C. 38. d. 27

Col^d. Smith.



'In Paradise the Tree
Of Knowledge was the pride;
By God's supreme decree,
The man who eat, then died.



But Heaven in mercy since
Does him who tastes forgive;
To know is no offence;
Now, he who eats, shall live.'

HENRY STEVENS of Vermont, FSA,
4, Trafalgar Square, London.
1882.

Henry St John Heydon

NOTES on the state of VIRGINIA;

written in the year 1781, somewhat corrected and enlarged in the winter of 1782, for the use of a Foreigner of distinction, in answer to certain queries proposed by him respecting

1. Its boundaries	-	-	-	page 1
2. Rivers	-	-	-	3
3. Sea ports	-	-	-	27
4. Mountains	-	-	-	28
5. Cascades and caverns	-	-	-	33
6. Productions mineral, vegetable and animal	-	-	-	41
7. Climate	-	-	-	134
8. Population	-	-	-	151
9. Military force	-	-	-	162
10. Marine force	-	-	-	165
11. Aborigines	-	-	-	166
12. Counties and towns	-	-	-	191
13. Constitution	-	-	-	193
14. Laws	-	-	-	235
15. Colleges, buildings, and roads	-	-	-	275
16. Proceedings as to tories	-	-	-	285
17. Religion	-	-	-	287
18. Manners	-	-	-	298
19. Manufactures	-	-	-	301
20. Subjects of commerce	-	-	-	304
21. Weights, Measures and Money	-	-	-	311
22. Public revenue and expences	-	-	-	313
23. Histories, memorials, and state-papers	-	-	-	322

Q U E R Y I.

AN exact description of the limits and boundaries of the state of Virginia? Limits.

Virginia is bounded on the East by the Atlantic; on the North by a line of latitude, crossing the Eastern Shore through Watkins's Point, being about $37^{\circ}. 57'$. North latitude; from thence by a streight line to Cinquac, near the mouth of Patowmac; thence by the Patowmac, which is common to Virginia and Maryland, to the first fountain of its northern branch; thence by a meridian line, passing through that fountain till it intersects a line running East and West, in latitude $39^{\circ}. 43'. 42.4''$ which divides Maryland from Pennsylvania, and which was marked by Messrs. Mason and Dixon; thence by that line, and a continuation of it westwardly to the completion of five degrees of longitude from the *river Delaware* ~~eastern boundary of Pennsylvania in the same~~ latitude, and thence by a meridian line to the Ohio: On the West by the Ohio and

Mississipi, to latitude $36^{\circ}.30'$. North: and on the South by the line of latitude last-mentioned. By admeasurements through nearly the whole of this last line, and supplying the unmeasured parts from good data, the Atlantic and Mississipi, are found in this latitude to be 758 miles distant, equal to $13^{\circ}.38'$. of longitude, reckoning 55 miles and 3144 feet to the degree. This being our comprehension of longitude, that of our latitude, taken between this and Mason and Dixon's line, is $3^{\circ}.13'.42.4''$. equal to 223.3 miles, supposing a degree of a great circle to be 69 m. 864 f. as computed by Cassini. These boundaries include an area somewhat triangular, of 121525 square miles, whereof 79650 lie westward of the Allegany mountains, and 57034 westward of the meridian of the mouth of the Great Kanhaway. This state is therefore one third larger than the islands of Great Britain and Ireland, which are reckoned at 88357 square miles.

These limits result from, 1. The antient charters from the crown of England. 2. The grant of Maryland to the Lord Baltimore, and the subsequent determinations of the British court as to the extent of that

grant. 3. The grant of Pennsylvania to William Penn, and a compact between the general assemblies of the commonwealths of Virginia and Pennsylvania as to the extent of that grant. 4. The grant of Carolina, and actual location of its northern boundary, by consent of both parties. 5. The treaty of Paris of 1763. 6. The confirmation of the charters of the neighbouring states by the convention of Virginia at the time of constituting their commonwealth. 7. The cession made by Virginia to Congress of all the lands to which they had title on the North side of the Ohio.

Q U E R Y II.

A Notice of its rivers, rivulets, and how far they are navigable?

Rivers &
Navigation.

An inspection of a map of Virginia, will give a better idea of the geography of its rivers, than any description in writing. Their navigation may be imperfectly noted.

Roanoke, so far as it lies within this state, is no where navigable, but for canoes, or light batteaux; and, even for these, in such

detached parcels as to have prevented the inhabitants from availing themselves of it at all.

James River, and its waters, afford navigation as follows.

The whole of *Elizabeth River*, the lowest of those which run into *James River*, is a harbour, and would contain upwards of 300 ships. The channel is from 150 to 200 fathom wide, and at common flood tide, affords 18 feet water to Norfolk. The *Strafford*, a 60 gun ship, went there, lightening herself to cross the bar at Sowell's point. The *Fier Rodrigue*, pierced for 64 guns, and carrying 50, went there without lightening. *Craney island*, at the mouth of this river, commands its channel tolerably well.

Nansemond River is navigable to Sleepy hole, for vessels of 250 tons; to Suffolk, for those of 100 tons; and to Milner's, for those of 25.

Pagan Creek affords 8 or 10 feet water to Smithfeild, which admits vessels of 20 ton.

Chickahominy has at its mouth a bar, on which is only 12 feet water at common flood tide. Vessels passing that, may go 8

miles up the river; those of 10 feet draught may go four miles further, and those of six tons burthen, 20 miles further.

Appamattox may be navigated as far as Broadways, by any vessel which has crossed Harrison's bar in James river; it keeps 8 or 9 feet water a mile or two higher up to Fisher's bar, and 4 feet on that and upwards to Petersburg, where all navigation ceases.

James River itself affords harbour for vessels of any size in Hampton Road, but not in safety through the whole winter; and there is navigable water for them as far as Mulberry island. A 40 gun ship goes to James town, and, lightening herself, may pass ~~at the falls of Appamattox~~ to Harrison's bar, on which there is only 15 feet water. Vessels of 250 tons may go to Warwick; those of 125 go to Rocket's, a mile below Richmond; from thence is about 7 feet water to Richmond; and about the center of the town, four feet and a half, where the navigation is interrupted by falls, which in a course of six miles, descend about 80 feet perpendicular: above these it is resumed in canoes and batteaux, and is pro-

secuted safely and advantageously to within 10 miles of the Blue ridge ; and even through the Blue ridge a ton weight has been brought ; and the expence would not be great, when compared with its object, to open a tolerable navigation up Jackson's river and Carpenter's creek, to within 25 miles of Howard's creek of Green briar, both of which have then water enough to float vessels into the Great Kanhaway. In some future state of population, I think it possible, that its navigation may also be made to interlock with that of the Patowmac, and through that to communicate by a short portage with the Ohio. It is to be noted, that this river is called in the maps *James River*, only to its confluence ~~with the Rivanna ; thence to the~~ Blue ridge it is called the Fluvanna ; and thence to its source, Jackson's river. But in common speech, it is called James river to its source.

The *Rivanna*, a branch of James river, is navigable for canoes and batteaux to its interfection with the South West mountains, which is about 22 miles ; and may easily be opened to navigation through those mountains to its fork above Charlottesville.

York River, at York town, affords the best harbour in the state for vessels of the largest size. The river there narrows to the width of a mile, and is contained within very high banks, close under which the vessels may ride. It holds 4 fathom water at high tide for 25 miles above York to the mouth of Poropotank, where the river is a mile and a half wide, and the channel only 75 fathom, and passing under a high bank. At the confluence of *Pamunkey* and *Mattapony*, it is reduced to 3 fathom depth, which continues up *Pamunkey* to Cumberland, where the width is 100 yards, and up *Mattapony* to within two miles of Frazer's ferry, where it becomes $2\frac{1}{2}$ fathom deep, and holds that about five miles. *Pamunkey* is then capable of navigation for loaded flats to Brockman's bridge, fifty miles above Hanover town, and *Mattapony* to Downer's bridge, 70 miles above its mouth.

Piankatank, the little rivers making out of *Mobjack bay* and those of the *Eastern shore*, receive only very small vessels, and these can but enter them.

Rappahanock affords 4 fathom water to Hobb's hole, and 2 fathom from thence to Fredericksburg.

Patowmac is $7\frac{1}{2}$ miles wide at the mouth; $4\frac{1}{2}$ at Nomony bay; 3 at Acquia; $1\frac{1}{2}$ at Hallooing point; $1\frac{1}{4}$ at Alexandria. Its soundings are, 7 fathom at the mouth; 5 at St. George's island; $4\frac{1}{2}$ at Lower Matchodick; 3 at Swan's point, and thence up to Alexandria; thence 10 feet water to the falls, which are 13 miles above Alexandria. These falls are 15 miles in length, and of very great descent, and the navigation above them for batteaux and canoes, is so much interrupted as to be little used. It is, however, used in a small degree up the Cohongoronta branch as far as Fort Cumberland, which was at the mouth of Wills's creek: and is capable, at no great expence, of being rendered very practicable. The Shenandoah branch interlocks with James river about the Blue ridge, and may perhaps in future be opened.

The *Mississipi* will be one of the principal channels of future commerce for the country westward of the Alleghaney. From the mouth of this river to where it receives the Ohio, is 1000 miles by water, but only 500 by land, passing through the Chickasaw country. From the mouth of the Ohio to

that of the Missouri, is 230 miles by water, and 140 by land. From thence to the mouth of the Illinois river, is about 25 miles. The Missisipi, below the mouth of the Missouri, is always muddy, and abounding with sand bars, which frequently change their places. However, it carries 15 feet water to the mouth of the Ohio, to which place it is from one and a half to two miles wide, and thence to Kaskaskia from one mile to a mile and a quarter wide. Its current is so rapid, that it never can be stemmed by the force of the wind alone, acting on sails. Any vessel, however, navigated with oars, may come up at any time, and receive much aid from the wind. A batteau passes from the mouth of Ohio to the mouth of Missisipi in three weeks, and is from two to three months getting up again. During its floods, which are periodical as those of the Nile, the largest vessels may pass down it, if their steerage can be ensured. These floods begin in April, and the river returns into its banks early in August. The inundation extends further on the western than eastern side, covering the lands in some places for 50 miles from it's

banks. Above the mouth of the Missouri, it becomes much such a river as the Ohio, like it clear, and gentle in its current, not quite so wide, the period of its floods nearly the same, but not rising to so great a height. The streets of the village at Cohoes are not more than 10 feet above the ordinary level of the water, and yet were never overflowed. Its bed deepens every year. Cohoes, in the memory of many people now living, was insulated by every flood of the river. What was the Eastern channel has now become a lake, 9 miles in length and one in width, into which the river at this day never flows. This river yields turtle of a peculiar kind, perch, trout, gar, pike, mullets, herrings, carp, spatula fish of 50 lb. weight, cat fish of an hundred pounds weight, buffalo fish, and sturgeon. Alligators or crocodiles have been seen as high up as the Acanfas. It also abounds in herons, cranes, ducks, brant, geese, and swans. Its passage is commanded by a fort established by this state, five miles below the mouth of Ohio, and ten miles above the Carolina boundary,

The Missouri, since the treaty of Paris, the Illinois and Northern branches of the

Ohio since the cession to Congress, are no longer within our limits. Yet having been so heretofore, and still opening to us channels of extensive communication with the western and north-western country, they shall be noted in their order.

The *Missouri* is, in fact, the principal river, contributing more to the common stream than does the *Mississipi*, even after its junction with the *Illinois*. It is remarkably cold, muddy and rapid. Its overflowings are considerable. They happen during the months of June and July. Their commencement being so much later than those of the *Mississipi*, would induce a belief that the sources of the *Missouri* are northward of those of the *Mississipi*; unless we suppose that the cold increases again with the ascent of the land from the *Mississipi* westwardly. That this ascent is great, is proved by the rapidity of the river. Six miles above the mouth it is brought within the compass of a quarter of a mile's width: yet the Spanish Merchants at Pancore, or St. Louis, say they go two thousand miles up it. It heads far westward of the *Rio Norte*, or North River. There is, in the villages of *Kaskaskia*, *Cohoes* and *St.*

Vincennes, no inconsiderable quantity of plate, said to have been plundered during the last war by the Indians from the churches and private houses of Santa Fé, on the North River, and brought to these villages for sale. From the mouth of Ohio to Santa Fé are forty days journey, or about 1000 miles. What is the shortest distance between the navigable waters of the Missouri, and those of the North River, or how far this is navigable above Santa Fé, I could never learn. From Santa Fé to its mouth in the Gulph of Mexico is about 1200 miles. The road from New Orleans to Mexico crosses this river at the post of Rio Norte, 800 miles below Santa Fé : and from this post to New Orleans is about 1200 miles ; thus making 2000 miles between Santa Fé and New Orleans, passing down the North river, Red river and Mississippi ; whereas it is 2230 through the Missouri and Mississippi. From the same post of Rio Norte, passing near the mines of La Sierra and Laiguana, which are between the North river and the river Salina to Sartilla, is 375 miles ; and from thence, passing the mines of Charcas, Zaccatecas and Potosi, to the city of Mexico is 375 miles ; in all,

1550 miles from Santa Fé to the city of Mexico. From New Orleans to the city of Mexico is about 1950 miles: the roads, after setting out from the Red river, near Natchitoches, keeping generally parallel with the coast, and about two hundred miles from it, till it enters the city of Mexico.

The *Illinois*, is a fine river, clear, gentle, and without rapids; insomuch that it is navigable for batteaux to its source. From thence is a portage of two miles only to the Chickago, which affords a batteau navigation of 16 miles to its entrance into lake Michigan. The *Illinois*, about 10 miles above its mouth, is 300 Yards wide.

The *Kaskaskia* is 100 yards wide at its entrance into the Mississippi, and preserves that breadth to the Buffalo plains, 70 miles above. So far also it is navigable for loaded batteaux, and perhaps much further. It is not rapid.

The *Ohio* is the most beautiful river on earth. Its current gentle, waters clear, and bosom smooth and unbroken by rocks and rapids, a single instance only excepted.

It is $\frac{1}{2}$ of a mile wide at Fort Pitt:

500 yards at the mouth of the Great Kan-
haway:

1 mile and 25 poles at Louisville:

$\frac{1}{4}$ of a mile on the rapids, three or four
miles below Louisville:

$\frac{1}{2}$ a mile where the low country begins,
which is 20 miles above Green river:

$1\frac{1}{4}$ at the receipt of the Tanissee:

And a mile wide at the mouth.

Its length, as measured according to its
meanders by Capt. Hutchings, is as follows:

From Fort Pitt

	miles.		miles.
To Log's town	$18\frac{1}{2}$	Little Miami	$126\frac{1}{4}$
Big Beaver creek	$10\frac{1}{4}$	Licking Creek	8
Little Beaver cr.	$13\frac{1}{2}$	Great Miami	$26\frac{1}{4}$
Yellow creek	$11\frac{1}{4}$	Big Bones	$32\frac{1}{2}$
Two creeks	$21\frac{1}{4}$	Kentuckey	$44\frac{1}{4}$
Long reach	$53\frac{1}{4}$	Rapids	$77\frac{1}{4}$
End Long reach	$16\frac{1}{2}$	Low country	$155\frac{1}{4}$
Muskingum	$25\frac{1}{2}$	Buffalo river	$64\frac{1}{2}$
Little Kanhaway	$12\frac{1}{4}$	Wabash	$97\frac{1}{4}$
Hockhocking	16	Big cave	$42\frac{1}{4}$
Great Kanhaway	$82\frac{1}{2}$	Shawanee river	$52\frac{1}{2}$
Guiandot	$43\frac{1}{4}$	Cherokee river	13
Sandy Creek	$14\frac{1}{2}$	Massac	11
Sioto	$48\frac{1}{4}$	Missisipi	46
			1188

In common winter and spring tides it affords 15 feet water to Louisville, 10 feet to La Tarte's rapids, 40 miles above the mouth of the great Kanhaway, and a sufficiency at all times for light batteaux and canoes to Fort Pitt. The rapids are in latitude $38^{\circ}. 8'$. The inundations of this river begin about the last of March, and subside in July. During these a first rate man of war may be carried from Louisville to New Orleans, if the sudden turns of the river and the strength of its current will admit a safe steerage. The rapids at Louisville descend about 30 feet in a length of a mile and a half. The bed of the river there is a solid rock, and is divided by an island into two branches, the southern of which is about 200 yards wide, and is dry four months in the year. The bed of the northern branch is worn into channels by the constant course of the water, and attrition of the pebble stones carried on with that, so as to be passable for batteaux through the greater part of the year. Yet it is thought that the southern arm may be the most easily opened for constant navigation. The rise of the waters in these rapids does not exceed 10 or 12 feet. A part

of this island is so high as to have been never overflowed, and to command the settlement at Louisville, which is opposite to it. The fort however is situated at the head of the falls. The ground on the South side rises very gradually.

The *Taniffee*, Cherokee or Hogohege river is 600 yards wide at its mouth, $\frac{1}{2}$ of a mile at the mouth of Holston, and 200 yards at Chotee, which is 20 miles above Holston, and 300 miles above the mouth of the *Taniffee*. This river crosses the southern boundary of Virginia, 58 miles from the Mississippi. Its current is moderate. It is navigable for loaded boats of any burthen to the Muscleshoals, where the river passes through the Cumberland mountain. These shoals are 6 or 8 miles long, passable downwards for loaded canoes, but not upwards, unless there be a swell in the river. Above these the navigation for loaded canoes and batteaux continues to the Long island. This river has its inundations also. Above the Chickamogga towns is a whirlpool called the Sucking-pot, which takes in trunks of trees or boats, and throws them out again half a mile below. It is avoided by keeping very close

close to the bank, on the South side. There are but a few miles portage between a branch of this river and the navigable waters of the river Mobile, which runs into the gulph of Mexico.

Cumberland, or *Shawanee* river, intersects the boundary between Virginia and North Carolina 67 miles from the *Missisipi*, and again 198 miles from the same river, a little above the entrance of *Obey's* river into the *Cumberland*. Its clear fork crosses the same boundary about 300 miles from the *Missisipi*. *Cumberland* is a very gentle stream, navigable for loaded batteaux 800 miles, without interruption; then intervene some rapids of 15 miles in length, after which it is again navigable 70 miles upwards, which brings you within 10 miles of the *Cumberland* mountains. It is about 120 yards wide through its whole course, from the head of its navigation to its mouth.

The *Wabash* is a very beautiful river, 400 yards wide at the mouth, and 300 at *St. Vincennes*, which is a post 100 miles above the mouth, in a direct line. Within this space there are two small rapids, which give very little obstruction to the navigation.

It is 400 yards wide at the mouth, and navigable 30 leagues upwards for canoes and small boats. From the mouth of Maple river to that of Eel river is about 80 miles in a direct line, the river continuing navigable, and from one to two hundred yards in width. The Eel river is 150 yards wide, and affords at all times navigation for periaguas, to within 18 miles of the Miami of the lake. The Wabash, from the mouth of Eel river to little river, a distance of 50 miles direct, is interrupted with frequent rapids and shoals, which obstruct the navigation, except in a swell. Little river affords navigation during a swell to within 3 miles of the Miami, which thence affords a similar navigation into lake Erie, 100 miles distant in a direct line. The Wabash overflows periodically in correspondence with the Ohio, and in some places two leagues from its banks.

Green River is navigable for loaded batreaux at all times 50 miles upwards; but it is then interrupted by impassable rapids, above which the navigation again commences, and continues good 30 or 40 miles to the mouth of Barren river.

Kentucky river is 90 yards wide at the mouth, and also at Boonsborough, 80 miles above. It affords a navigation for loaded batteaux 180 miles in a direct line, in the winter tides.

The *Great Miami* of the Ohio, is 200 yards wide at the mouth. At the Piccawee towns, 75 miles above, it is reduced to 30 yards; it is, nevertheless, navigable for loaded canoes 50 miles above these towns. The portage from its western branch into the Miami of Lake Erie, is 5 miles; that from its eastern branch into Sandusky river, is of 9 miles.

Salt river is at all times navigable for loaded batteaux 70 or 80 miles. It is 80 yards wide at its mouth, and keeps that width to its fork, 25 miles above.

The *little Miami* of the Ohio, is 60 or 70 yards wide at its mouth, 60 miles to its source, and affords no navigation.

The *Sioto* is 250 yards wide at its mouth, which is in latitude $38^{\circ} 22'$. and at the Saltlick towns, 200 miles above the mouth, it is yet 100 yards wide. To these towns it is navigable for loaded batteaux, and its

eastern branch affords navigation almost to its source.

Great Sandy river is about sixty yards wide, and navigable sixty miles for loaded batteaux.

Guiandot is about the width of the river last mentioned, but is more rapid. It may be navigated by canoes sixty miles.

The *Great Kanhaway* is a river of considerable note for the fertility of its lands, and still more, as leading towards the head waters of James river. Nevertheless, it is doubtful whether its great and numerous rapids will admit a navigation, but at an expence to which it will require ages to render its inhabitants equal. The great obstacles begin at what are called the great falls, 90 miles above the mouth, below which are only five or six rapids, and these passable, with some difficulty, even at low water. From the falls to the mouth of Greenbriar is 100 miles, and thence to the lead mines 120. It is 280 yards wide at its mouth.

Hock-hocking is 80 yards wide at its mouth, and yields navigation for loaded batteaux to the Press-place, 60 miles above its mouth.

The *Little Kanhaway* is 150 yards wide at the mouth. It yields a navigation of 10 miles only. Perhaps its northern branch, called *Junius's creek*, which interlocks with the western of *Monongahela*, may one day admit a shorter passage from the latter into the Ohio.

The *Muskingham* is 280 yards wide at its mouth, and 200 yards at the lower Indian towns, 150 miles upwards. It is navigable for small batteaux to within one mile of a navigable part of *Cayahoga river*, which runs into lake Erie.

At Fort Pitt the river Ohio loses its name, branching into the *Monongahela* and *Alleghany*.

The *Monongahela* is 400 yards wide at its mouth. From thence is 12 or 15 miles to the mouth of *Yohoganey*, where it is 300 yards wide. Thence to *Redstone* by water is 50 miles, by land 30. Then to the mouth of *Cheat river* by water 40 miles, by land 28, the width continuing at 300 yards, and the navigation good for boats. Thence the width is about 200 yards to the western fork, 50 miles higher, and the navigation frequently interrupted by rapids, which however with

a swell of two or three feet become very passable for boats. It then admits light boats, except in dry seasons, 6½ miles further to the head of Tygarts valley, presenting only some small rapids and falls of one or two feet perpendicular, and lessening in its width to 20 yards. The *Western fork* is navigable in the winter 10 or 1½ miles towards the northern of the Little Kanaway, and will admit a good waggon road to it. The *Yohogany* is the principal branch of this river. It passes through the Laurel mountain, about 30 miles from its mouth; is so far from 300 to 150 yards wide, and the navigation much obstructed in dry weather by rapids and shoals. In its passage through the mountain it makes very great falls, admitting no navigation for ten miles to the Turkey foot. Thence to the great crossing, about 20 miles, it is again navigable, except in dry seasons, and at this place is 200 yards wide. The sources of this river are divided from those of the Patowmac by the Alleganey mountain. From the falls where it intersects the Laurel mountain, to Fort Cumberland, the head of the navigation on the Patowmac, is 40 miles of very mountainous road. Wills's creek, at

the mouth of which was Fort Cumberland, is 30 or 40 yards wide, but affords no navigation as yet. *Cheat* river, another considerable branch of the *Monongahela*, is 200 yards wide at its mouth, and 100 yards at the *Dunkard's* settlement, 50 miles higher. It is navigable for boats, except in dry seasons. The boundary between Virginia and Pennsylvania crosses it about three or four miles above its mouth.

The *Alleghany* river, with a slight swell, affords navigation for light batteaux to Venango, at the mouth of French creek, where it is 200 yards wide; and it is practised even to Le Boeuf, from whence there is a portage of 15 miles to Presque Isle on Lake Erie.

The country watered by the *Mississipi* and its eastern branches, constitutes five-eighths of the United States, two of which five-eighths are occupied by the *Ohio* and its waters: the residuary streams which run into the Gulf of Mexico, the Atlantic and the *St. Laurence* water the remaining three-eighths.

Before we quit the subject of the western waters we will take a view of their principal connections with the Atlantic. These are

three; the Hudson's river, the Patowmac, and the Mississipi itself. Down the last will pass all heavy commodoties. But the navigation through the Gulph of Mexico is so dangerous, and that up the Mississipi so difficult and tedious, that it is thought probable that European merchandize will not return through that channel. It is most likely that flour, timber, and other heavy articles will be floated on rafts, which will themselves be an article for Sale as well as their loading, the navigators returning by land or in light batteaux. There will therefore be a competition between the Hudson and Patowmac rivers for the residue of the commerce of all the country westward of Lake Erie, on the waters of the lakes, of the Ohio, and upper parts of the Mississipi. To go to New-York, that part of the trade which comes from the lakes or their waters must first be brought into Lake Erie. Between Lake Superior and its waters and Huron are the rapids of St. Mary, which will permit boats to pass, but not larger vessels. Lakes Huron and Michigan afford communication with Lake Erie by vessels of 8 feet draught. That part of the trade which comes from the waters of the Mississipi must pass from them through

some portage into the waters of the lakes. The portage from the Illinois river into a water of Michigan is of one mile only. From the Wabash, Miami, Muskinghum, or Alle-ganey are portages into the waters of Lake Erie, of from one to fifteen miles. When the commodities are brought into, and have passed through lake Erie, there is between that and Ontario an interruption by the falls of Niagara, where the portage is of 8 miles; and between Ontario and the Hudson's river are portages at the falls of Onondago, a little above Oswego, of a quarter of a mile; from Wood creek to the Mohawks river two miles; at the little falls of the Mohawk's river half a mile, and from Schenectady to Albany 16 miles. Besides the increase of expence occasioned by frequent change of carriage, there is an increased risk of pillage produced by committing merchandize to a greater number of hands successively. The Patowmac offers itself under the following circumstances. For the trade of the lakes and their waters westward of lake Erie, when it shall have entered that lake, it must coast along its southern shore, on account of the number and excellence of its harbours, the northern, though shortest, having few harbours, and

these unsafe. Having reached Cayahoga, to proceed on to New-York it will have 825 miles and five portages: whereas it is but 425 miles to Alexandria, its emporium on the Patowmac, if it turns into the Cayahoga, and passes through that, Bigbeaver, Ohio, Yohogania, (or Monongalia and Cheat) and Patowmac, and there are but two portages; the first of which between Cayahoga and Beaver may be removed by uniting the sources of these waters, which are lakes in the neighbourhood of each other and in a champaign country; the other from the waters of Ohio to Patowmac will be from 15 to 40 miles, according to the trouble which shall be taken to approach the two navigations. For the trade of the Ohio, or that which shall come into it from its own waters or the Missisipi, it is nearer through the Patowmac to Alexandria than to New-York by 580 miles, and it is interrupted by one portage only. There is another circumstance of difference too. The lakes themselves never freeze, but the communications between them freeze, and the Hudson's river is itself shut up by the ice three months in the year; whereas the channel to the Ches-

peak leads directly into a warmer climate. The southern parts of it very rarely freeze at all, and whenever the northern do, it is so near the sources of the rivers, that the frequent floods to which they are there liable break up the ice immediately, so that vessels may pass through the whole winter, subject only to accidental and short delays. Add to all this, that in case of a war with our neighbours the Anglo-Americans or the Indians, the route to New-York becomes a frontier through almost its whole length, and all commerce through it ceases from that moment.—But the channel to New-York is already known to practice; Whereas the upper waters of the Ohio and the Patowmac, and the great falls of the latter are yet to be cleared of their fixed obstructions. (1).

Q U E R Y III.

A notice of the best sea-ports of the state, and how big are the vessels they can receive? Having no ports but our rivers and creeks, this Query has been answered under the preceeding one.

Q U E R Y IV.

Mountains

A Notice of its *Mountains*?

For the particuiar geography of our mountains I must refer to Fry and Jefferson's map of Virginia: and to Evans's analysis of his map of America for a more philosophical view of them than is to be found in any other work. It is worthy notice, that our mountains are not solitary and scattered confusedly over the face of the country; but that they commence at about 150 miles from the sea-coast, are disposed in ridges one behind another, running nearly parallel with the sea-coast, though rather approaching it as they advance north-eastwardly. To the south-west, as the tract of country between the sea-coast and the Missisipi becomes narrower, the mountains converge into a single ridge, which, as it approaches the Gulph of Mexico, subsides into plain country, and gives rise to some of the waters of that Gulph, and particularly to a river called the Apalachicola, probably from the Apalachies, an Indian nation formerly residing on it. Hence

the mountains giving rise to that river, and seen from its various parts, were called the Apalachian mountains, being in fact the end or termination only of the great ridges passing through the continent. European geographers however extended the name northwardly as far as the mountains extended; some giving it, after their separation into different ridges, to the Blue ridge, others to the North mountain, others to the Alleghaney, others to the Laurel ridge, as may be seen in their different maps. But the fact I believe is, that none of these ridges were ever known by that name to the inhabitants, either native or emigrant, but as they saw them so called in European maps. In the same direction generally are the veins of limestone, coal and other minerals hitherto discovered: and so range the falls of our great rivers. But the courses of the great rivers are at right angles with these. James and Patowmac penetrate through all the ridges of mountains eastward of the Alleganey. That is broken by no watercourse. It is in fact the spine of the country between the Atlantic on one side, and the Mississippi and St. Laurence on the other. The passage of

the Patowmac through the Blue ridge is perhaps one of the most stupendous scenes in nature. You stand on a very high point of land. On your right comes up the Shenandoah, having ranged along the foot of the mountain an hundred miles to seek a vent. On your left approaches the Patowmac, in quest of a passage also. In the moment of their junction they rush together against the mountain, rend it asunder, and pass off to the sea. The first glance of this scene hurries our senses into the opinion that this earth has been created in time, that the mountains were formed first, that the rivers began to flow afterwards, that in this place particularly they have been dammed up by the Blue ridge of mountains, and have formed an ocean which filled the whole valley; that continuing to rise they have at length broken over at this spot, and have torn the mountain down from its summit to its base. The piles of rock on each hand, but particularly on the Shenandoah, the evident marks of their disrapture and avulsion from their beds by the most powerful agents of nature, corroborate the impression. But the distant finishing which nature has given to the pic-

ture is of a very different character. It is a true contrast to the fore-ground. It is as placid and delightful as that is wild and tremendous. For the mountain being cloven asunder, she presents to your eye, through the cleft, a small catch of smooth blue horizon, at an infinite distance in the plain country, inviting you, as it were, from the riot and tumult roaring around, to pass through the breach and participate of the calm below. Here the eye ultimately composes itself; and that way too the road happens actually to lead. You cross the Patowmac above the junction, pass along its side through the base of the mountain for three miles, its terrible precipices hanging in fragments over you, and within about 20 miles reach Frederic town and the fine country round that. This scene is worth a voyage across the Atlantic. Yet here, as in the neighbourhood of the natural bridge, are people who have passed their lives within half a dozen miles, and have never been to survey these monuments of a war between rivers and mountains which must have shaken the earth itself to its center. (2).---The height of our mountains has not yet been

estimated with any degree of exactness. The Alleghaney being the great ridge which divides the waters of the Atlantic from those of the Mississippi, its summit is doubtless more elevated above the ocean than that of any other mountain. But its relative height, compared with the base on which it stands, is not so great as that of some others, the country rising behind the successive ridges like the steps of stairs. The mountains of the Blue ridge, and of these the Peaks of Otter, are thought to be of a greater height, measured from their base, than any others in our country, and perhaps in North America. From data, which may found a tolerable conjecture, we suppose the highest peak to be about 4000 feet perpendicular, which is not a fifth part of the height of the mountains of South America, nor one third of the height which would be necessary in our latitude to preserve ice in the open air unmelted through the year. The ridge of mountains next beyond the Blue ridge, called by us the North mountain, is of the greatest extent; for which reason they were named by the Indians the Endless mountains.

A sub-

A substance supposed to be Pumice, found floating on the Mississippi, has induced a conjecture, that there is a volcano on some of its waters: and as these are mostly known to their sources, except the Missouri, our expectations of verifying the conjecture would of course be led to the mountains which divide the waters of the Mexican Gulph from those of the South sea; but no volcano having ever yet been known at such a distance from the sea, we must rather suppose that this floating substance has been erroneously deemed Pumice.

Q U E R Y V.

ITS Cascades and Caverns?

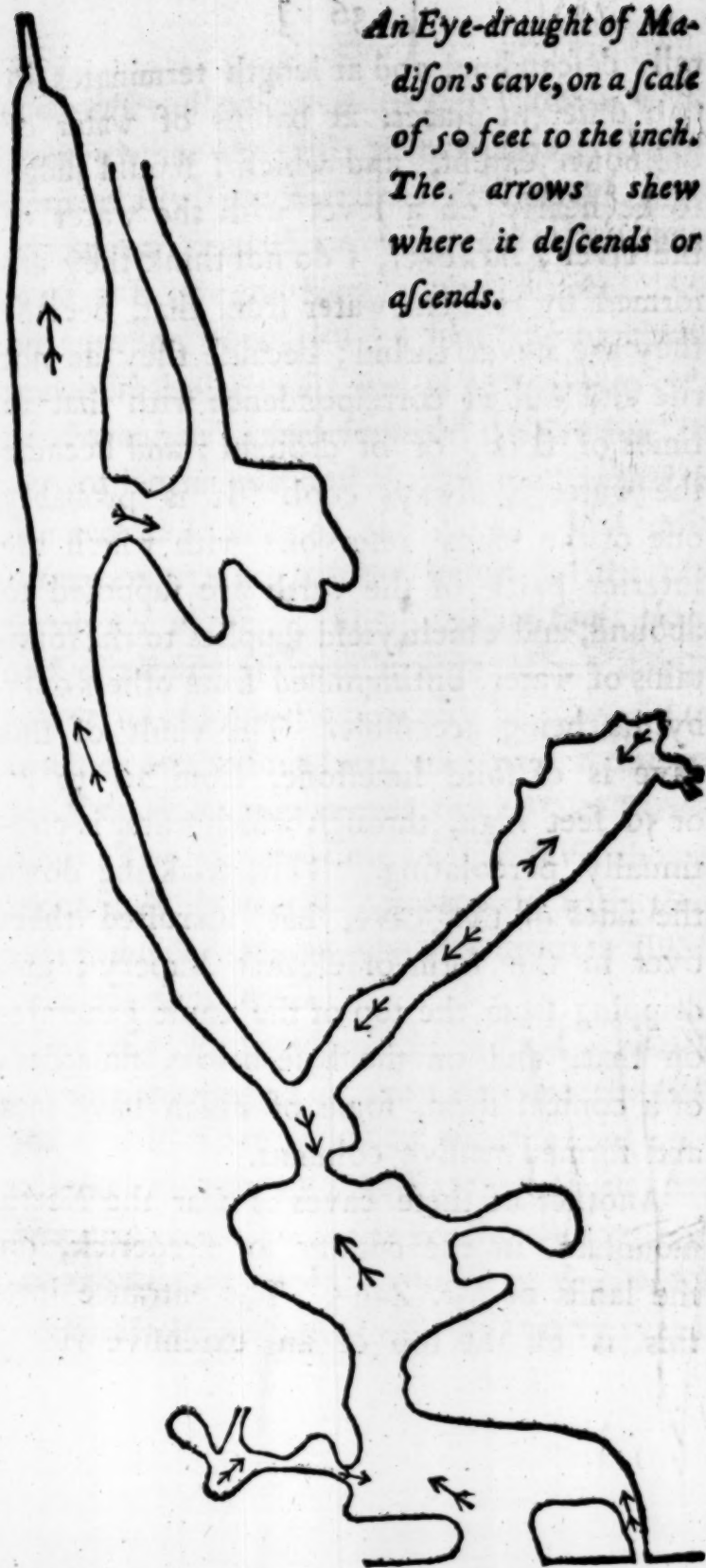
The only remarkable Cascade in this country, is that of the Falling Spring in Augusta. ^{Falling Spring.} It is a water of James river, where it is called Jackson's river, rising in the warm spring mountains about twenty miles South West of the warm spring, and flowing into that valley. About three quarters of a mile from its source, it falls over a rock 200 feet into the valley below. The sheet of water is broken

in its breadth by the rock in two or three places, but not at all in its height. Between the sheet and rock, at the bottom, you may walk across dry. This Cataract will bear no comparison with that of Niagara, as to the quantity of water composing it; the sheet being only 12 or 15 feet wide above, and somewhat more spread below; but it is half as high again, the latter being only 156 feet, according to the mensuration made by order of M. Vaudreuil, Governor of Canada, and 130 according to a more recent account.

Madison's
cave.

In the limestone country, there are many caverns of very considerable extent. The most noted is called Madison's Cave, and is on the North side of the Blue ridge, near the intersection of the Rockingham and Augusta line with the South fork of the southern river of Shenandoah. It is in a hill of about 200 feet perpendicular height, the ascent of which, on one side, is so steep, that you may pitch a biscuit from its summit into the river which washes its base. The entrance of the cave is, in this side, about two thirds of the way up. It extends into the earth about 300 feet, branching into subordinate caverns, sometimes ascending a little, but more gene-

*An Eye-draught of Ma-
dison's cave, on a scale
of 50 feet to the inch.
The arrows shew
where it descends or
ascends.*



rally descending, and at length terminates, in two different places, at basons of water of unknown extent, and which I should judge to be nearly on a level with the water of the river; however, I do not think they are formed by reflux water from that, because they are never turbid; because they do not rise and fall in correspondence with that in times of flood, or of drought; and because the water is always cool. It is probably one of the many reservoirs with which the interior parts of the earth are supposed to abound, and which yield supplies to the fountains of water, distinguished from others only by its being accessible. The vault of this cave is of solid limestone, from 20 to 40 or 50 feet high, through which water is continually percolating. This, trickling down the sides of the cave, has incrustated them over in the form of elegant drapery; and dripping from the top of the vault generates on that, and on the base below, stalactites of a conical form, some of which have met and formed massive columns.

Another of these caves is near the North mountain, in the county of Frederick, on the lands of Mr. Zane. The entrance into this is on the top of an extensive ridge.

You descend 30 or 40 feet, as into a well, from whence the cave then extends, nearly horizontally, 400 feet into the earth, preserving a breadth of from 20 to 50 feet, and a height of from 5 to 12 feet. After entering this cave a few feet, the mercury, which in the open air was at 50° . rose to 57° . of Farenheit's thermometer, answering to 11° . of Reaumur's, and it continued at that to the remotest parts of the cave. The uniform temperature of the cellars of the observatory of Paris, which are 90 feet deep, and of all subterranean cavities of any depth, where no chymical agents may be supposed to produce a factitious heat, has been found to be 10° . of Reaumur, equal to $54\frac{1}{2}^{\circ}$. of Farenheit. The temperature of the cave above-mentioned so nearly corresponds with this, that the difference may be ascribed to a difference of instruments.

At the Panther gap, in the ridge which ^{Blowing} divides the waters of the Cow and the Calf ^{cave.} pasture, is what is called the *Blowing cave*. It is in the side of a hill, is of about 100 feet diameter, and emits constantly a current of air of such force, as to keep the weeds prostrate to the distance of twenty yards

before it. This current is strongest in dry frosty weather, and in long spells of rain weakest. Regular inspirations and expirations of air, by caverns and fissures, have been probably enough accounted for, by supposing them combined with intermitting fountains; as they must of course inhale air while their reservoirs are emptying themselves, and again emit it while they are filling. But a constant issue of air, only varying in its force as the weather is drier or damper, will require a new hypothesis. There is another blowing cave in the Cumberland mountain, about a mile from where it crosses the Carolina line. All we know of this is, that it is not constant, and that a fountain of water issues from it.

Natural
bridge.

The *Natural bridge*, the most sublime of Nature's works, though not comprehended under the present head, must not be pretermitted. It is on the ascent of a hill, which seems to have been cloven through its length by some great convulsion. The fissure, just at the bridge, is, by some admeasurements, 270 feet deep, by others only 205. It is about 45 feet wide at the bottom, and 90 feet at the top; this of course determines the length of the bridge, and its height from the water.

Its breadth in the middle, is about 60 feet, but more at the ends, and the thickness of the mass at the summit of the arch, about 40 feet. A part of this thickness is constituted by a coat of earth, which gives growth to many large trees. The residue, with the hill on both sides, is one solid rock of limestone. The arch approaches the Semi-elliptical form ; but the larger axis of the ellipsis, which would be the cord of the arch, is many times longer than the transverse. Though the sides of this bridge are provided in some parts with a parapet of fixed rocks, yet few men have resolution to walk to them and look over into the abyss. You involuntarily fall on your hands and feet, creep to the parapet and peep over it. Looking down from this height about a minute, gave me a violent head ach. If the view from the top be painful and intolerable, that from below is delightful in an equal extreme. It is impossible for the emotions arising from the sublime to be felt beyond what they are here : so beautiful an arch, so elevated, so light, and springing as it were up to heaven, the rapture of the spectator is really indescribable ! The fissure continuing narrow, deep, and streight

for a considerable distance above and below the bridge, opens a short but very pleasing view of the North mountain on one side, and Blue ridge on the other, at the distance each of them of about five miles. This bridge is in the county of Rockbridge, to which it has given name, and affords a public and commodious passage over a valley, which cannot be crossed elsewhere for a considerable distance. The stream passing under it is called Cedar creek. It is a water of James river, and sufficient in the driest seasons to turn a grist mill, though its fountain is not more than two miles above.*

* Don Ulloa mentions a break, similar to this, in the province of Angaraez, in South America. It is from 16 to 22 feet wide, 111 feet deep, and of 1.3 miles continuance, English measures. Its breadth at top is not sensibly greater than at bottom. But the following fact is remarkable, and will furnish some light for conjecturing the probable origin of our natural bridge. 'Esta caja, ó cauce está cortada en peña viva, con tanta precision, que las desigualdades del un lado entrantes, corresponden á las del otro lado salientes, como si aquella altura se hubiese abierto expresamente, con sus bueltas y tortuosidades, para darle tránsito á los aguas por
entre

QUERY VI.

A Notice of the mines and other subterranean riches; its trees, plants, fruits, &c. 1. Minerals.

I knew a single instance of gold found in Gold. this state. It was interspersed in small specks through a lump of ore, of about four pounds weight, which yielded seventeen pennyweight of gold, of extraordinary ductility.

entre los dos murallones que la forman ; siendo tal su igualdad, que si llegasen á juntarse se endentarian uno con otro sin dexar hueco.' Nor. Amer. II. §. 10. Don Ulloa inclines to the opinion, that this channel has been effected by the wearing of the water which runs through it, rather than that the mountain should have been broken open by any convulsion of nature. But if it had been worn by the running of water, would not the rocks which form the sides, have been worn plane? or if, meeting in some parts with veins of harder stone, the water had left prominences on the one side, would not the same cause have sometimes, or perhaps generally, occasioned prominences on the other side also? Yet Don Ulloa tells us, that on the other side there are always corresponding cavities, and that these tally with the prominences so perfectly, that, were the two sides to
come

This ore was found on the North side of Rap-
pahanoc, about four miles below the falls. I
never heard of any other indication of gold
in its neighbourhood.

Lead.

On the Great Kanhaway, opposite to the
mouth of Cripple creek, and about twenty-
five miles from our southern boundary, in
the county of Montgomery, are mines of
lead. The metal is mixed, sometimes with
earth, and sometimes with rock, which re-
quires the force of gunpowder to open it,
and is accompanied with a portion of silver,
too small to be worth separation under any
process hitherto attempted there. The pro-
portion yielded is from 50 to 80 lb. of pure

come together, they would fit in all their indentures,
without leaving any void. I think that this does not
resemble the effect of running water, but looks rather as
if the two sides had parted asunder. The sides of the
break, over which is the Natural bridge of Virginia,
consisting of a veiny rock which yields to time, the cor-
respondence between the salient and re-entering inequa-
lities, if it existed at all, has now disappeared. This
break has the advantage of the one described by Don
Ulloa in its finest circumstance; no portion in that in-
stance having held together, during the separation of the
other parts, so as to form a bridge over the Abyss.

metal from 100 lb. of washed ore. The most common is that of 60 to the 100 lb. The veins are at sometimes most flattering; at others they disappear suddenly and totally. They enter the side of the hill, and proceed horizontally. Two of them are wrought at present by the public, the best of which is 100 yards under the hill. These would employ about 50 labourers to advantage. We have not, however, more than 30 generally, and these cultivate their own corn. They have produced 60 tons of lead in the year; but the general quantity is from 20 to 25 tons. The present furnace is a mile from the ore-bank, and on the opposite side of the river. The ore is first waggoned to the river, a quarter of a mile, then laden on board of canoes and carried across the river, which is there about 200 yards wide, and then again taken into waggons and carried to the furnace. This mode was originally adopted, that they might avail themselves of a good situation on a creek, for a pounding mill; but it would be easy to have the furnace and pounding mill on the same side of the river, which would yield water, without any dam, by a canal of about half a mile in length.

From the furnace the lead is transported 130 miles along a good road, leading through the peaks of Otter to Lynch's ferry, or Winston's, on James river, from whence it is carried by water about the same distance to Westham. This land carriage may be greatly shortened, by delivering the lead on James river, above the blue ridge, from whence a ton weight has been brought on two canoes. The Great Kanhaway has considerable falls in the neighbourhood of the mines. About seven miles below are three falls, of three or four feet perpendicular each; and three miles above is a rapid of three miles continuance, which has been compared in its descent to the great fall of James river. Yet it is the opinion, that they may be laid open for useful navigation, so as to reduce very much the portage between the Kanhaway and James river.

A valuable lead mine is said to have been lately discovered in Cumberland, below the mouth of Red river. The greatest, however, known in the western country, are on the Missisipi, extending from the mouth of Rock river 150 miles upwards. These are not wrought, the lead used in that country being

from the banks on the Spanish side of the Mississippi, opposite to Kaskaskia.

A mine of copper was once opened in the Copper county of Amherst, on the North side of James river, and another in the opposite country, on the South side. However, either from bad management or the poverty of the veins, they were discontinued. We are told of a rich mine of native copper on the Ouabache, below the upper Wiaw.

The mines of iron worked at present, are Iron. Callaway's, Ross's and Ballendine's, on the South side of James river; Old's on the North side, in Albemarle; Miller's in Augusta, and Zane's in Frederic. These two last are in the valley between the Blue ridge and North mountain. Callaway's, Ross's, Millar's, and Zane's, make about 150 tons of bar iron each, in the year. Ross's makes also about 1600 tons of pig iron annually; Ballandine's 1000; Callaway's, Millar's, and Zanes, about 600 each. Besides these, a forge of Mr. Hunter's, at Fredericksburgh, makes about 300 tons a year of bar iron, from pigs imported from Maryland; and Taylor's forge on Neapsco of Patowmac, works in the same way, but to what extent I am not informed.

The indications of iron in other places are numerous, and dispersed through all the middle country. The toughness of the cast iron of Ross's and Zane's furnaces is very remarkable. Pots and other utensils, cast thinner than usual, of this iron, may be safely thrown into, or out of the waggons in which they are transported. Salt-pans made of the same, and no longer wanted for that purpose, cannot be broken up in order to be melted again, unless previously drilled in many parts.

In the western country, we are told of iron mines between the Muskingham and Ohio; of others on Kentucky, between the Cumberland and Barren rivers, between Cumberland and Tannissee, on Reedy creek near the Long island, and on Chesnut creek, a branch of the great Kanhaway, near where it crosses the Carolina line. What are called the iron banks, on the Missisipi, are believed, by a good judge, to have no iron in them. In general, from what is hitherto known of that country, it seems to want iron.

Black lead. Considerable quantities of black lead are taken occasionally for use from Winterham, in the county of Amelia. I am not able, however, to give a particular state of the

mine. There is no work established at it, those who want going and procuring it for themselves.

The country on James river, from 15 to Pit coal, 20 miles above Richmond, and for several miles northward and southward, is replete with mineral coal of a very excellent quality. Being in the hands of many proprietors, pits have been opened, and before the interruption of our commerce, were worked to an extent equal to the demand.

In the western country coal is known to be in so many places, as to have induced an opinion, that the whole tract between the Laurel mountain, Missisipi and Ohio, yields coal. It is also known in many places on the North side of the Ohio. The coal at Pittsburg is of very superior quality. A bed of it at that place has been afire since the year 1765. Another coal-hill on the Pike-run of Monongahela has been afire ten years; yet it has burnt away about twenty yards only.

I have known one instance of an Emerald ^{Precious} found in this country. Amethysts have been ^{stones.} frequent, and chrystals common; yet not in

such numbers any of them as to be worth seeking.

Marble.

There is very good marble, and in very great abundance, on James river, at the mouth of Rockfish. The samples I have seen were some of them of a white as pure as one might expect to find on the surface of the earth: but most of them were variegated with red, blue, and purple. None of it has been ever worked. It forms a very large precipice, which hangs over a navigable part of the river. It is said there is marble at Kentucky.

Limestone.

But one vein of limestone is known below the Blue ridge. Its first appearance, in our country, is in Prince William, two miles below the Pignut ridge of mountains; thence it passes on nearly parallel with that and crosses the Rivanna about five miles below it, where it is called the South-west ridge. It then crosses Hardware, above the mouth of Hudson's creek, James river at the mouth of Rockfish, at the marble quarry before spoken of, probably runs up that river to where it appears again at Ross's iron-works, and so passes off south-westwardly by Flat creek of Otter river. It is never more than one hundred yards wide

wide. From the Blue ridge westwardly the whole country seems to be founded on a rock of limestone, besides infinite quantities on the surface, both loose and fixed. This is cut into beds, which range, as the mountains and sea-coast do, from south-west to north-east, the lamina of each bed declining from the horizon towards a parallelism with the axis of the earth. Being struck with this observation, I made, with a quadrant, a great number of trials on the angles of their declination, and found them to vary from 22° . to 60° . but averaging all my trials the result was within one third of a degree of the elevation of the pole or latitude of the place, and much the greatest part of them taken separately were little different from that: by which it appears that these lamina are, in the main, parallel with the axis of the earth. In some instances, indeed, I found them perpendicular, and even reclining the other way: but these were extremely rare, and always attended with signs of convulsion, or other circumstances of singularity, which admitted a possibility of removal from their original position. These trials were made between Madison's cave and the Patowmac.

We hear of limestone on the Mississipi and Ohio, and in all the mountainous country between the eastern and western waters, not on the mountains themselves, but occupying the vallies between them.

Near the eastern foot of the North mountain are immense bodies of *Schist*, containing impressions of shells in a variety of forms. I have received petrified shells of very different kinds from the first sources of the Kentucky, which bear no resemblance to any I have ever seen on the tide-waters. It is said that shells are found in the Andes, in South-America, fifteen thousand feet above the level of the ocean. This is considered by many, both of the learned and unlearned, as a proof of an universal deluge. To the many considerations opposing this opinion, the following may be added. The atmosphere, and all its contents, whether of water, air, or other matters, gravitate to the earth; that is to say, they have weight. Experience tells us, that the weight of all these together never exceeds that of a column of mercury of 31 inches height, which is equal to one of rain water of 35 feet high. If the whole contents of the atmosphere then were water,

instead of what they are, it would cover the globe but 35 feet deep; but as these waters, as they fell, would run into the seas, the superficial measure of which is to that of the dry parts of the globe as two to one, the seas would be raised only $52\frac{1}{2}$ feet above their present level, and of course would overflow the lands to that height only. In Virginia this would be a very small proportion even of the champaign country, the banks of our tidewaters being frequently, if not generally, of a greater height. Deluges beyond this extent then, as for instance to the North mountain or to Kentuckey, seem out of the laws of nature. But within it they may have taken place to a greater or less degree, in proportion to the combination of natural causes which may be supposed to have produced them. History renders probable some instances of a partial deluge in the country lying round the Mediterranean sea. It has often been * supposed, and is not unlikely, that that sea was

* 2. Buffon Epoques. 96.

once a lake. While such, let us admit an extraordinary collection of the waters of the atmosphere from the other parts of the globe to have been discharged over that and the countries whose waters run into it. That lake may thus have been so raised as to overflow the low lands adjacent to it, as those of Egypt and Armenia, which, according to a tradition of the Egyptians and Hebrews, were overflowed about 2300 years before the Christian aera; those of Attica, said to have been overflowed in the time of Ogyges, about 500 years later; and those of Theffaly, in the time of Deucalion, still 300 years posterior. But such deluges as these will not account for the shells found in the higher lands. Besides the usual process for generating shells by the elaboration of earth and water in animal vessels, may not nature have provided an equivalent operation, by passing the same materials through the pores of calcareous earths and stones? As we see calcareous drop-stones generating every day by the percolation of water through limestone, and new marble forming in the quarries from which the old has been taken out, which is said to be the case in the quarries

of Italy. Is it more difficult for nature to shoot the calcareous juice into the form of a shell, than other juices into the forms of chrystals, plants, animals, according to the construction of the vessels through which they pass? There is a wonder somewhere. Is it greatest on this branch of the dilemma, or on that which supposes the creation of such a body of water, and its subsequent annihilation? Have not Naturalists already brought themselves to believe much stranger things? Thus, they seriously concur in the opinion that those immense hills and plains of marble to be found in every quarter of the globe, nay the very foundation of the earth itself, which is of limestone in large tracts of this country, and probably of others, and has been found here to continue solid to the depth of 200 feet, farther than which we have not penetrated, that these, I say, and all other calcareous bodies, are animal remains. Monsieur de Voltaire, who seems first to have suspected that shells might grow unconnected with animal bodies, specifies an instance in a particular place in France, which has never yet, as far as I have heard, been disproved or denied.

Stone.

There is great abundance (more especially when you approach the mountains) of stone, white, blue, brown, &c. fit for the chissel, good millstone, such also as stands the fire, and flatestone. We are told of flint, fit for gun flints, on the Meherrin in Brunswic, on the Mississipi between the mouth of Ohio and Kaskaskia, and on others of the western waters. Ifinglass or mica is in several places; loadstone also; and an Asbestos of a ligneous texture, is sometimes to be met with.

Earths.

Marle abounds generally: a clay, of which, like the Sturbridge in England, bricks are made which will resist long the violent action of fire, has been found on Tuckahoe creek of James river, and no doubt will be found in other places. Chalk is said to be in Botetourt and Bedford. In the latter county is some earth, believed to be Gypseous. Ochres are found in various parts.

Nitre.

In the limestone country are many caves, the earthy floors of which are impregnated with nitre. On Rich creek, a branch of the Great Kanaway about 60 miles below the lead mines, is a very large one, about 20 yards wide, and entering a hill a quarter or half a mile. The vault is of rock, from 9 to

15 or 20 feet above the floor. A Mr. Lynch, who gives me this account, undertook to extract the nitre. Besides a coat of the salt which had formed on the vault and floor, he found the earth highly impregnated to the depth of seven feet in some places, and generally of three, every bushel yielding on an average three pounds of nitre. Mr. Lynch having made about 1000 lb. of the salt from it, consigned it to some others, who have since made 10,000 lb. They have done this by pursuing the cave into the hill, never trying a second time the earth they have once exhausted, to see how far or soon it receives another impregnation. At least fifty of these caves are worked on the Greenbriar. There are many of them known on Cumberland river.

The country westward of the Alleghaney ^{Salt.} abounds with springs of common salt. The most remarkable we have heard of are at Buller's lick, the Big bones, the Blue licks, and on the North fork of Holston. The area of Buller's lick is of many acres. Digging the earth to the depth of three feet, the water begins to boil up, and the deeper you go, and the drier the weather, the stronger is the brine. A thousand gallons of water

yield from a bushel to a bushel and a half of salt, which is about 80 lb. of water to one lb. of salt; but of sea water 25 lb. yield one lb. of salt. So that sea water is more than three times as strong as that of these springs. A salt spring has been lately discovered at the Turkey foot on Yohogany, by which river it is overflowed, except at very low water. Its merit is not yet known. Duning's lick is also as yet untried, but it is supposed to be the best on this side the Ohio. The salt springs on the margin of the Onondago lake are said to give a saline taste to the waters of the lake.

Medicinal
springs.

There are several Medicinal springs, some of which are indubitably efficacious, while others seem to owe their reputation as much to fancy and change of air and regimen as to their real virtues. None of them having undergone a chemical analysis in skilful hands, nor been so far the subject of observations as to have produced a reduction into classes of the disorders which they relieve, it is in my power to give little more than an enumeration of them.

The most efficacious of these are two springs in Augusta, near the first sources of James

river where it is called Jackson's river. They rise near the foot of the ridge of mountains, generally called the Warmspring mountain but in the maps Jackson's mountains. The one is distinguished by the name of the Warm spring, and the other of the Hot-spring. The Warm spring issues with a very bold stream, sufficient to work a grist-mill, and to keep the waters of its basin, which is 30 feet in diameter, at the vital warmth, viz. 96°. of Farenheit's thermometer. The matter with which these waters are allied, is very volatile its smell indicates it to be sulphureous, as also does the circumstance of its turning silver black. They relieve rheumatisms. Other complaints also of very different natures have been removed or lessened by them. It rains here four or five days in every week.

The *Hot-spring* is about six miles from the Warm, is much smaller, and has been so hot as to have boiled an egg. Some believe its degree of heat to be lessened. It raises the mercury in Farenheit's thermometer to 112 degrees, which is fever heat. It sometimes relieves where the Warmspring fails. A fountain of common water, issuing within a few inches of its margin, gives it a singular ap-

pearance. Comparing the temperature of these with that of the Hot-springs of Kamischatka, of which Krachinnikow gives an account, the difference is very great, the latter raising the mercury to 100° . which is within 14° . of boiling water. These springs are very much resorted to in spite of a total want of accommodation for the sick. Their waters are strongest in the hottest months, which occasions their being visited in July and August principally.

The Sweet-springs are in the county of Botetourt, at the eastern foot of the Alleghany, about 42 miles from the Warm-springs. They are still less known. Having been found to relieve cases in which the others had been ineffectually tried, it is probable their composition is different. They are different also in their temperature, being as cold as common water: which is not mentioned, however, as a proof of a distinct impregnation. This is among the first sources of James river.

On Patowmac river, in Berkeley county, above the North mountain, are Medicinal springs much more frequented than those of Augusta. Their powers, however, are less, the waters weakly mineralised, and scarcely

warm. They are more visited, because situated in a fertile, plentiful, and populous country, better provided with accommodations, always safe from the Indians, and nearest to the more populous states.

In Louisa county, on the head waters of the South Anna branch of York river, are springs of some medicinal virtue. They are not much used however. There is a weak Chalybeate at Richmond; and many others in various parts of the country, which are of too little worth, or too little note, to be enumerated after those before-mentioned.

We are told of a Sulphur-spring on Howard's creek of Greenbriar, and another at Boonsborough on Kentucky.

In the low grounds of the Great Kan-
way, 7 miles above the mouth of Elk river, and 67 above that of the Kanaway itself, is a hole in the earth of the capacity of 30 or 40 gallons, from which issues constantly a bituminous vapour in so strong a current as to give to the sand about its orifice the motion which it has in a boiling spring. On presenting a lighted candle or torch within 18 inches of the hole, it flames up in a column of 18 inches diameter and four or five feet

Burning
spring.

nonqy2
aniamet

height, which sometimes burns out within 20 minutes, and at other times has been known to continue three days, and then has been left still burning. The flame is unsteady, of the density of that of burning spirits, and smells like burning pit coal. Water sometimes collects in the basin, which is remarkably cold, and is kept in ebullition by the vapour issuing through it. If the vapour be fired in that state, the water soon becomes so warm that the hand cannot bear it, and evaporates wholly in a short time. This, with the circumjacent lands, is the property of his Excellency General Washington and of General Lewis.

There is a similar one on Sandy river, the flame of which is a column of about 12 inches diameter, and 3 feet high. General Clarke, who informs me of it, kindled the vapour, staid about an hour, and left it burning.

Syphon
fountains.

The mention of uncommon springs leads me to that of Syphon fountains. There is one of these near the intersection of the Lord Fairfax's boundary with the North mountain, not far from Brock's gap, on the stream of which is a grist-mill, which grinds two bushels

of grain at every flood of the spring. Another, near the Cow-pasture river, a mile and a half below its confluence with the Bull-pasture river, and 16 or 17 miles from the Hot-springs, which intermits once in every twelve hours. One also near the mouth of the North Holston.

After these may be mentioned the *Natural Well* on the lands of a Mr. Lewis in Frederick county. It is somewhat larger than a common well; the water rises in it as near the surface of the earth as in the neighbouring artificial wells, and is of a depth as yet unknown. It is said there is a current in it tending sensibly downwards. If this be true, it probably feeds some fountain, of which it is the natural reservoir, distinguished from others, like that of Madison's cave, by being accessible. It is used with a bucket and windlass, as an ordinary well.

A complete catalogue of the trees, plants, ^{Vegetables} fruits, &c. is probably not desired. I will sketch out those which would principally attract notice, as being 1. Medicinal, 2. Esculent, 3. Ornamental, or 4. Useful for fabrication; adding the Linnæan to the popular

names, as the latter might not convey precise information to a foreigner. I shall confine myself too to native plants.

1. Senna. *Cassia ligustrina*.

Arsmart. *Polygonum Sagittatum*.

Clivers or goosegrass. *Galium spurium*.

Lobelia of several species.

Palma christi. *Ricinus*.

(3). James-town weed. *Datura Stramonium*.

Mallow. *Malva rotundifolia*.

Syrian mallow. *Hibiscus moschentos*.

Hibiscus virginicus.

Indian mallow. *Sida rhombifolia*.

Sida abutilon.

Virginia Marshmallow. *Napaea hermaphrodita*.

Napaea dioica.

Indian physic. *Spiraea trifoliata*.

Euphorbia Ipecacuanha.

Pleurisy root. *Asclepias decumbens*.

Virginia snake root. *Aristolochia serpentaria*.

Black snake root. *Astræa racemosa*.

Seneca rattlesnake root. *Polygala senega*.

Valerian. *Valeriana locusta radiata*.

Gentiana. *Saponaria villosa*, & *centaurium*.

Ginseng. *Panax quinquefolium*.

Angelica. *Angelica sylvestris*.

- Cassava.** *Jatropha urens.*
2. **Tuckahoe.** *Lycoperdon tuber.*
- Jerusalem artichoke.** *Helianthus tuberosus.*
- Long potatoes.** *Convolvulus batatas.*
- Granadillas.** *Maycocks.* *Maracocks.* *Passiflora incarnata.*
- Panic.** *Panicum* of many species.
- Indian millet.** *Holcus laxus.*
- Holcus striosus.*
- Wild oat.** *Zizania aquatica.*
- Wild pea.** *Dolichos* of Clayton.
- Lupine.** *Lupinus perennis.*
- Wild hop.** *Humulus lupulus.*
- Wild cherry.** *Prunus virginiana.*
- Cherokee plumb.** *Prunus sylvestris fructu majori.*
- Wild plumb.** *Prunus sylvestris fructu minori.*
- } Clayton.
- Wild crab apple.** *Pyrus coronaria.*
- Red mulberry.** *Morus rubra.*
- Perfimmon.** *Diospyros virginiana.*
- Sugar maple.** *Acer saccharinum.*
- Scaly bark hiccory.** *Juglans alba cortice squamoso.* Clayton.
- Common hiccory.** *Juglans alba, fructu minore rancido.* Clayton.

Paccan or Illinois nut. Not described by Linnæus, Miller or Clayton. Were I to venture to describe this, speaking of the fruit from memory, and of the leaf from plants of two years growth, I should specify it as the *Juglans alba*, foliolis lanceolatis, acuminatis, ferratis, tomentosis, fructu minore, ovato, compresso, vix insculpto, dulci, putamine tenerissimo. It grows on the Illinois, Wabash, Ohio and Missisipi. It is spoken of by Don Ulloa under the name of pacanos, in his Noticias Americanas. Entret. 6.

Black walnut. *Juglans nigra*.

White walnut. *Juglans alba*.

Chestnut. *Fagus castanea*.

Chinquapin. *Fagus pumila*.

Hazlenut. *Corylus avellana*.

Grapes. *Vitis*. Various kinds, though only three described by Clayton.

Scarlet Strawberries. *Fragaria virginiana* of Millar.

Whortleberries. *Vaccinium uliginosum*?

Wild gooseberries. *Ribes grossularia*.

Cranberries. *Vaccinium oxycoccos*.

Black raspberries. *Rubus occidentalis*.

Blackberries. *Rubus fruticosus*.

Dewberries. *Rubus caesius*. Cloud-

- Cloudberries. *Rubus chamaemorus.*
 3. Plane-tree. *Platanus occidentalis.*
 Poplar. *Liriodendron tulipifera.*
 Populus heterophylla.
 Black poplar. *Populus nigra.*
 Aspen. *Populus tremula.*
 Linden or lime. *Tilia Americana.*
 Red flowering maple. *Acer rubrum.*
 Horse-chestnut or Buck's-eye. *Aesculus pavia.*
 Catalpa. *Bignonia catalpa.*
 Umbrella. *Magnolia tripetala.*
 Swamp laurel. *Magnolia glauca.*
 Cucumber-tree. *Magnolia acuminata.*
 Portugal bay. *Laurus indica.*
 Red bay. *Laurus borbonia.*
 Dwarf-rose bay. *Rhododendron maximum.*
 Laurel of the western country. *Qu. species?*
 Wild pimento. *Laurus benzoin.*
 Sassafras. *Laurus sassafras.*
 Locust. *Robinia pseudo-acacia.*
 Honey-locust. *Gleditsia. 1. C.*
 Dogwood. *Cornus florida.*
 Fringe or snowdrop-tree. *Chionanthus virginica.*
 Barberry. *Berberis vulgaris.*
 Redbud or Judas-tree. *Cercis canadensis.*

Holly. *Ilex aquifolium*.
 Cockspur hawthorn. *Cratægus coccinea*.
 Spindle-tree. *Euonymus Europæus*.
 Evergreen spindle-tree. *Euonymus Ame-*
ricanus.

Itea Virginica.

Elder. *Sambucus nigra*.

Papaw. *Ammona triloba*.

Candleberry myrtle. *Myrica cerifera*.

Dwarf laurel. *Kalmia angustifolia* } called ivy
 with us.

Kalmia latifolia

Ivy. *Hedera quinquefolia*.

Trumpet honeysuckle. *Lonicera semper-*
virens.

Upright honeysuckle. *Azalea nudiflora*.

Yellow jasmine. *Bignonia sempervirens*.

Calycanthus floridus.

American aloe. *Agave virginica*.

Sumach. *Rhus*. Qu. species?

Poke. *Phytolacca decandra*.

Long moss. *Tillandfia Usneoides*.

4. Reed. *Arundo phragmitis*.

Virginia hemp. *Acnida cannabina*.

Flax. *Linum virginianum*.

Black or pitch-pine. *Pinus taeda*. 3 leaves.

- White pine. *Pinus strobus*. *s. leaves*.
 Yellow pine. *Pinus virginica*.
 Spruce pine. *Pinus foliis singularibus*.
 Clayton.
 Hemlock spruce fir. *Pinus canadensis*.
 Arbor vitae. *Thuja occidentalis*.
 Juniper. *Juniperus virginica*. (Called cedar
 with us.)
 Cypress. *Cupressus disticha*.
 Black oak. *Quercus nigra*.
 White oak. *Quercus alba*.
 Red oak. *Quercus rubra*.
 Willow oak. *Quercus phellos*.
 Chestnut oak. *Quercus prinus*.
 Black jack oak. *Quercus aquatica*. Clay-
 ton. Query?
 Ground oak. *Quercus pumila*. Clayton.
 Live oak. *Quercus virginiana*. Millar.
 Black birch. *Betula nigra*.
 White birch. *Betula alba*.
 Beech. *Fagus sylvatica*.
 Ash. *Fraxinus americana*.
Fraxinus nova anglia. Millar.
 Elm. *Ulmus americana*.
 Willow. *Salix*. Query species?
 Sweet Gum. *Liquidambar styraciflua*.
 E 2

The following were found in Virginia when first visited by the English; but it is not said whether of spontaneous growth or by cultivation only. Most probably they were natives of more southern climates, and handed along the continent from one nation to another of the savages.

Tobacco. *Nicotiana*.

Maize. *Zea mays*.

Round potatoes. *Solanum tuberosum*.

Pumpkins. *Cucurbita pepo*.

Cymlings. *Cucurbita verrucosa*.

Squashes. *Cucurbita melopepo*.

There is an infinitude of other plants and flowers, for an enumeration and scientific description of which I must refer to the *Flora Virginica* of our great botanist Dr. Clayton, published by Gronovius at Leyden, in 1762. This accurate observer was a native and resident of this state, passed a long life in exploring and describing its plants, and is supposed to have enlarged the botanical catalogue as much as almost any man who has lived.

Besides these plants, which are native, our Farms produce wheat, rye, barley, oats, buck wheat, broom corn, and Indian corn.

The climate suits rice well enough wherever the lands do. Tobacco, hemp, flax and cotton are staple commodities. Indigo yields two cuttings. The silk-worm is a native, and the mulberry, proper for its food, grows kindly.

We cultivate also potatoes, both the long and the round, turneps, carrots, parsneps, pumpkins and ground nuts (*Arachis*). Our grasses are Lucerne, St. Foin, Burnet, Timothy, ray and orchard grass, red, white and yellow clover, green sword, blue grass and crab grass.

The *gardens* yield musk melons, water melons, tomatas, okra, pomegranates, figs, and the esculent plants of Europe.

The *orchards* produce apples, pears, cherries, quinces, peaches, nectarines, apricots, almonds, and plumbs.

Our quadrupeds have been mostly described *Animals.* by Linnæus and Monf. de Buffon. Of these the Mammoth, or big buffalo as called by the Indians, must certainly have been the largest. Their tradition is that he was carnivorous and still exists in the northern parts of America. A delegation of warriors from the Delaware tribe having visited the governor of

Virginia, during the present revolution, on matters of business, after these had been discussed and settled in council, the governor asked them some questions relative to their country, and among others, what they knew or had heard of the animal whose bones were found at the Saltlicks, on the Ohio. Their chief speaker immediately put himself into an attitude of oratory, and with a pomp suited to what he conceived the elevation of his subject, informed him that it was a tradition handed down from their fathers, ' That
 ' in antient times a herd of these tremendous
 ' animals came to the Big-bone licks, and
 ' began an universal destruction of the bear,
 ' deer, elks, buffaloes, and other animals
 ' which had been created for the use of the
 ' Indians: that the Great Man above, looking
 ' down and seeing this, was so enraged that
 ' he seized his lightning, descended on the
 ' earth, seated himself on a neighbouring
 ' mountain, on a rock of which his seat and
 ' the print of his feet are still to be seen,
 ' and hurled his bolts among them till the
 ' whole were slaughtered, except the big
 ' bull, who presenting his forehead to the
 ' shafts shook them off as they fell; but mis-

‘sing one at length, it wounded him in the
 ‘side; whereon, springing round, he bounded
 ‘over the Ohio, over the Wabache, the Illi-
 ‘nois, and finally over the great lakes, where
 ‘he is living at this day.’ It is well known
 that, on the Ohio, and in many parts of
 America further north, tusks, grinders, and
 skeletons of unparalleled magnitude are found
 in great numbers, some lying on the surface
 of the earth, and some a little below it. A
 Mr. Stanley, taken prisoner by the Indians
 near the mouth of the Tanissee, relates that,
 after being transferred through several tribes,
 from one to another, he was at length car-
 ried over the mountains west of the Missouri to
 a river which runs westwardly; that these bones
 abounded there; and that the natives descri-
 bed to him the animal to which they belonged
 as still existing in the northern parts of their
 country; from which description he judged
 it to be an elephant. Bones of the same kind
 have been lately found, some feet below the
 surface of the earth, in salines opened on the
 North Holston, a branch of the Tanissee,
 about the latitude of $36\frac{1}{2}^{\circ}$. North. From
 the accounts published in Europe, I suppose
 it to be decided that these are of the same

kind with those found in Siberia. Instances are mentioned of like animal remains found in the more southern climates of both hemispheres; but they are either so loosely mentioned as to leave a doubt of the fact, so inaccurately described as not to authorize the classing them with the great northern bones, or so rare as to found a suspicion that they have been carried thither as curiosities from more northern regions. So that on the whole there seem to be no certain vestiges of the existence of this animal further South than the salines last mentioned. It is remarkable that the tusks and skeletons have been ascribed by the naturalists of Europe to the elephant, while the grinders have been given to the hippopotamus, or river horse. Yet it is acknowledged that the tusks and skeletons are much larger than those of the elephant, and the grinders many times greater than those of the hippopotamus, and essentially different in form. Wherever these grinders are found, there also we find the tusks and skeleton; but no skeleton of the hippopotamus nor grinders of the elephant. It will not be said that the hippopotamus and elephant came always to the same spot, the former to deposit

his grinders, and the latter his tusks and skeleton. For what became of the parts not deposited there? We must agree then that these remains belong to each other, that they are of one and the same animal, that this was not a hippopotamus, because the hippopotamus had no tusks nor such a frame, and because the grinders differ in their size as well as in the number and form of their points. That it was not an elephant I think ascertained by proofs equally decisive. I will not avail myself of the authority of the celebrated * anatomist who, from an examination of the form and structure of the tusks, has declared they were essentially different from those of the elephant; because another § anatomist, equally celebrated, has declared, on a like examination, that they are precisely the same. Between two such authorities I will suppose this circumstance equivocal. But,

- I. The skeleton of the Mammoth (for so the incognitum has been called) bespeaks an animal of five or six times the cubic volume of the elephant, as Mons. de Buffon has ad-

* Hunter

§ D'Aubenton.

mitted. 2. The grinders are five times as large, are square, and the grinding surface studded with four or five rows of blunt points: whereas those of the elephant are broad and thin, and their grinding surface flat. 3. I have never heard an instance, and suppose there has been none, of the grinder of an elephant being found in America. 4. From the known temperature and constitution of the elephant he could never have existed in those regions where the remains of the mammoth have been found. The elephant is a native only of the torrid zone and its vicinities, if, with the assistance of warm apartments and warm cloathing, he has been preserved in life in the temperate climates of Europe, it has only been for a small portion of what would have been his natural period, and no instance of his multiplication in them has ever been known. But no bones of the mammoth, as I have before observed, have been ever found further south than the salines of the Holston, and they have been found as far north as the Arctic circle. Those therefore who are of opinion that the elephant and mammoth are the same, must believe, 1. That the elephant known to us can exist and multiply in the

frozen zone; or, 2. That an internal fire may once have warmed those regions and since abandoned them, of which however the globe exhibits no unequivocal indications; or, 3. That the obliquity of the ecliptic, when these elephants lived, was so great as to include within the tropics all those regions in which the bones are found; the tropics being, as is before observed, the natural limits of habitation for the elephant. But if it be admitted that this obliquity has really decreased, and we adopt the highest rate of decrease yet pretended, that is, of one minute in a century, to transfer the northern tropic to the Arctic circle, would carry the existence of these supposed elephants 250,000 years back; a period far beyond our conception of the duration of animal bones left exposed to the open air, as these are in many instances. Besides, though these regions would then be supposed within the tropics, yet their winters would have been too severe for the sensibility of the elephant. They would have had too but one day and one night in the year, a circumstance to which we have no reason to suppose the nature of the elephant fitted. However it has been demon-

strated that, if a variation of obliquity in the Ecliptic takes place at all, it is vibratory, and never exceeds the limits of 9 degrees, which is not sufficient to bring these bones within the tropics. One of these hypotheses, or some other equally voluntary and inadmissible to cautious philosophy, must be adopted to support the opinion that these are the bones of the elephant. For my own part, I find it easier to believe that an animal may have existed, resembling the elephant in his tusks, and general anatomy, while his nature was in other respects extremely different. From the 30th degree of South latitude to the 30th of North, are nearly the limits which nature has fixed for the existence and multiplication of the elephant known to us. Proceeding thence northwardly to $36\frac{1}{2}$ degrees, we enter those assigned to the Mammoth. The further we advance North, the more their vestiges multiply as far as the earth has been explored in that direction; and it is as probable as otherwise, that this progression continues to the pole itself, if land extends so far. The center of the Frozen zone then may be the Achmé of their vigour, as that of the Torrid is of the elephant. Thus na-

ture seems to have drawn a belt of separation between these two tremendous animals, whose breadth indeed is not precisely known, though at present we may suppose it about 6 $\frac{1}{2}$ degrees of latitude; to have assigned to the elephant the regions South of these confines, and those North to the Mammoth, founding the constitution of the one in her extreme of heat, and that of the other in the extreme of cold. When the Creator has therefore separated their nature as far as the extent of the scale of animal life allowed to this planet would permit, it seems perverse to declare it the same, from a partial resemblance of their tusks and bones. But to whatever animal we ascribe these remains, it is certain such a one has existed in America, and that it has been the largest of all terrestrial beings. It should have sufficed to have rescued the earth it inhabited and the atmosphere it breathed, from the imputation of impotence in the conception and nourishment of animal life on a large scale: to have stifled, in its birth, the opinion of a writer, the most learned too of all others in the science of animal history, that in the new world,

Buffon.
xviii. 122.
edn. Paris.
1764.

'La nature vivante est beaucoup moins agissante, beaucoup moins forte : that nature is less active, less energetic on one side of the globe than she is on the other. As if both sides were not warmed by the same genial sun; as if a soil of the same chemical composition, was less capable of elaboration into animal nutriment; as if the fruits and grains from that soil and sun, yielded a less rich chyle, gave less extension to the solids and fluids of the body, or produced sooner in the cartilages, membranes and fibres that rigidity which restrains all further extension, and terminates animal growth. The truth is that a Pigmy and a Patagonian, a Mouse and a Mammoth, derive their dimensions from the same nutritive juices. The difference of increment depends on circumstances unsearchable to beings with our capacities. Every race of animals seems to have received from their maker certain laws of extension at the time of their formation. Their elaborative organs were formed to produce this, while proper obstacles were opposed to its further progress. Below these limits they cannot fall, nor rise above them. What intermediate station they shall take may de-

pend on soil, on climate, on food, on a careful choice of breeders. But all the manna of heaven would never raise the Mouse to the bulk of the Mammoth.

The opinion advanced by the Count de Buffon, is 1. That the animals common both to the old and new world, are smaller in the latter. 2. That those peculiar to the new, are on a smaller scale. 3. That those which have been domesticated in both, have degenerated in America: and 4. That on the whole it exhibits fewer species. And the reason he thinks is that the heats of America are less; that more waters are spread over its surface by nature, and fewer of these drained off by the hand of man. In other words, that *heat* is friendly, and *moisture* adverse to the production and developement of large quadrupeds. I will not meet this hypothesis on its first doubtful ground, whether the climate of America be comparatively more humid? Because we are not furnished with observations sufficient to decide this question. And though, till it be decided, we are as free to deny, as others are to affirm the fact, yet for a moment let it be supposed. The hypothesis, after this supposition, proceeds to

xviii. 100-4

156.

ACT III

another; that *moisture* is unfriendly to animal growth. The truth of this is inscrutable to us by reasonings a priori. Nature has hidden from us her *modus agendi*. Our only appeal on such questions is to experience; and I think that experience is against the supposition. It is by the assistance of *heat* and *moisture* that vegetables are elaborated from the elements of earth, air, water, and fire. We accordingly see the more humid climates produce the greater quantity of vegetables. Vegetables are mediately or immediately the food of every animal: and in proportion to the quantity of food, we see animals not only multiplied in their numbers, but improved in their bulk, as far as the laws of their nature will admit. Of this opinion is the Count de Buffon himself in another part of his work: 'en general il paroît que les pays un peu *froids* conviennent mieux à nos boeufs que les pays chauds, et qu'ils sont d'autant plus gros et plus grands que le climat est plus *humide* et plus abondans en paturages. Les boeufs de Danemarck, de la Podolie, de l'Ukraine et de la Tartarie qu'habitent les Calmouques sont les plus grands de tous.' Here then a race of animals, and one
of

and so on. Hivz

.021

viii. 134.

of the largest too, has been increased in its dimensions by *cold* and *moisture*, in direct opposition to the hypothesis, which supposes that these two circumstances diminish animal bulk, and that it is their contraries *heat* and *dryness* which enlarge it. But when we appeal to experience, we are not to rest satisfied with a single fact. Let us therefore try our question on more general ground. Let us take two portions of the earth, Europe and America for instance, sufficiently extensive to give operation to general causes; let us consider the circumstances peculiar to each, and observe their effect on animal nature. America, running through the torrid as well as temperate zone, has more *heat*, collectively taken, than Europe. But Europe, according to our hypothesis, is the *dryest*. They are equally adapted then to animal productions; each being endowed with one of those causes which befriended animal growth, and with one which opposes it. If it be thought unequal to compare Europe with America, which is so much larger, I answer, not more so than to compare America with the whole world. Besides, the purpose of the comparison is to try an hypothesis, which

makes the size of animals depend on the *heat* and *moisture* of climate. If therefore we take a region, so extensive as to comprehend a sensible distinction of climate, and so extensive too as that local accidents, or the intercourse of animals on its borders, may not materially affect the size of those in its interior parts, we shall comply with those conditions which the hypothesis may reasonably demand. The objection would be the weaker in the present case, because any intercourse of animals which may take place on the confines of Europe and Asia, is to the advantage of the former, Asia producing certainly larger animals than Europe. Let us then take a comparative view of the Quadrupeds of Europe and America, presenting them to the eye in three different tables, in one of which shall be enumerated those found in both countries; in a second those found in one only; in a third those which have been domesticated in both. To facilitate the comparison, let those of each table be arranged in gradation according to their sizes, from the greatest to the smallest, so far as their sizes can be conjectured. The weights

of the large animals shall be expressed in the English avoirdupoise pound and its decimals: those of the smaller in the ounce and its decimals. Those which are marked thus *, are actual weights of particular subjects, deemed among the largest of their species. Those marked thus †, are furnished by judicious persons, well acquainted with the species, and saying, from conjecture only, what the largest individual they had seen would probably have weighed. The other weights are taken from Messrs. Buffon and Daubenton, and are of such subjects as came casually to their hands for dissection. This circumstance must be remembered where their weights and mine stand opposed: the latter being stated, not to produce a conclusion in favour of the American species, but to justify a suspension of opinion until we are better informed, and a suspicion in the mean time that there is no uniform difference in favour of either; which is all I pretend.

A comparative View of the Quadrupeds of Europe and of America.

1. *Aboriginals of both.*

	Europe.	America.
	lb.	lb.
Mammoth		
Buffalo. Bison		*1800
White bear. Ours blanc		
Caribou. Renne		
Bear. Ours	153.7	*410
Elk. Elan. Orignal, palmated		
Red deer. Cerf	288.8	*273
Fallow deer. Daim	167.8	
Wolf. Loup	69.8	
Roe. Chevreuil	56.7	
Glutton. Glouton. Carcajou		
Wild cat. Chat sauvage		†30
Lynx. Loup cervier	25.	
Beaver. Castor	18.5	*45
Badger. Blaireau	13.6	
Red Fox. Renard	13.5	
Grey Fox. Isatis		
Otter. Loutre	8.9	†12
Monax. Marmotte	6.5	
Vison. Fouine	2.8	
Hedgehog. Herisson	2.2	
Martin. Marte	1.9	†6
	oz.	
Water rat. Rat d'eau	7.5	
Wesel. Belette	2.2	oz.
Flying squirrel. Polatouche	2.2	†4
Shrew mouse. Musfaraigue	1.	

II. *Aboriginals of one only*

EUROPE.		AMERICA.	
	lb.		lb.
Sanglier. Wild boar	280.	Tapir	534.
Mouflon. Wildsheep	56.	Elk, round horned	1450.
Bouquetin. Wildgoat		Puma	
Lievre. Hare	7.6	Jaguar	218.
Lapin. Rabbit	3.4	Cabiai	109.
Putois. Polecat	3.3	Tamanoir	109.
Genette	3.1	Tamandua	65.4
Desman. Muskrat	oz.	Cougar of N. Amer.	75.
Ecureuil. Squirrel	12.	Cougar of S. America	59.4
Hermine. Ermin	8.2	Ocelot.	
Rat. Rat	7.5	Pecari	46.3
Loirs.	3.1	Jaguaret	43.6
Lerrot. Dormouse	1.8	Alco	
Taupe. Mole	1.2	Lama	
Hamster	.9	Paco	
Zifel		Paca	32.7
Leming		Serval	
Souris. Mouse	.6	Sloth. Unau.	27½
		Saricovienne	
		Kincajou	
		Tatou Kabassou	21.8
		Urson. Urchin	
		Raccoon. Raton	16.5
		Coati	
		Coendou	16.3
		Sloth. Ai	13.
		Sapajou Ouarini	
		Sapajou Coaita	9.8
		Tatou Encubert	
		Tatou Apar	
		Tatou Cachica	7.
		Little Coendou	6.5
		Opoffum. Sarigue	

II. TABLE continued.

EUROPE.	AMERICA.	lb.
	Tapeti	
	Margay	
	Crabier	
	Agouti	4.2
	Sapajou Saï	3.5
	Tatou Cirquinçon	
	Tatou Tatouate	3.3
	Mouffette Squash	
	Mouffette Chinche	
	Mouffette Conepate.	
	Scunk	
	Mouffette. Zorilla.	
	Whabus. Hare. Rab-	
	bet	
	Aperea	
	Akouchi	
	Ondatra. Muskrat	
	Pilori	
	Great grey squirrel	†2.7
	Fox squirrel of Vir-	†2.625
	ginia	
	Surikate	2.
	Mink	†2.
	Sapajou. Sajou	1.8
	Indian pig. Cochon	1.6
	d'Inde	
	Sapajou. Saïmiri	1.5
	Phalanger	
	Coquallin	
	Lesser grey squirrel	†1.5
	Black squirrel	†1.5
	Red squirrel	10. oz.
	Sagoin Saki	

II. TABLE continued.

EUROPE.	AMERICA.
	Sagoin Pinche
	Sagoin Tamarin oz.
	Sagoin Ouistiti 4.4
	Sagoin Marikine
	Sagoin Mico
	Cayopollin
	Fourmilier
	Marmose
	Sarigue of Cayenne
	Tucan
	Red mole oz.
	Ground Squirrel 4.

III. Domesticated in both.

	Europe.	America.
	lb.	lb.
Cow	763.	*2500
Horse		*1366
Ass		
Hog		*1200
Sheep		*125
Goat		*80
Dog	67.6	
Cat	7.	

I have not inserted in the first table the
 * Phoca nor leather-winged bat, because the
 one living half the year in the water, and
 the other being a winged animal, the individuals of each species may visit both continents.

Of the animals in the 1st table Monf. de Buffon himself informs us, [XXVII. 130. XXX. 213.] that the beaver, the otter, and shrew mouse, though of the same species, are larger in America than Europe. This should therefore have corrected the generality of his expressions XVIII. 145. and elsewhere, that the animals common to the two countries, are considerably less in America than in Europe, ' & cela sans aucune exception.' He tells us too, [Quadrup. VIII. 334. edn. Paris, 1777] that on examining a bear from America, he remarked no differ-

* It is said, that this animal is seldom seen above 30 miles from shore, or beyond the 56th degree of latitude. The interjacent islands between Asia and America admit his passing from one continent to the other without exceeding these bounds. And, in fact, travellers tell us that these islands are places of principal resort for them, and especially in the season of bringing forth their young.

ence, 'dans la forme de cet ours d'Amerique comparé a celui d'Europe.' But adds from Bartram's journal, that an American bear weighed 400 lb. English, equal to 367 lb. French: whereas we find the European bear examined by Monf. Daubenton, [XVII. 82.] weighed but 141 lb. French. That the pal-mated Elk is larger in America than Europe we are informed by Kalm, a Naturalist who visited the former by public appointment for the exprefs purpose of examining the subjects of Natural history. In this fact Pennant concurs with him. [Barrington's Miscellanies.] The same Kalm tells us that the Black Moose, or Renne of America, is as high as a tall horse; and Catesby, that it is about the bigness of a middle sized ox. The same account of their size has been given me by many who have seen them. But Monsieur Daubenton says that the Renne of Europe is but about the size of a Red-deer. The Wesel is larger in America than in Europe, as may be seen by comparing its dimensions as reported by Monf. Daubenton and Kalm. The latter tells us that the Lynx badger, Red fox, and Flying squirrel, are the same in America as in Europe: by

I. 233.
Lond. 1772

ib. 233.

I. xxvii.

XXIV. 162

XV. 42.

I. 359.

I. 48. 221.

251. II. 52.

- which expression I understand, they are the same in all material circumstances, in size as well as others: for if they were smaller, they would differ from the European. Our
- II. 78. grey fox is, by Catesby's account, little different in size and shape from the European fox. I presume he means the red fox of
- I. 220. Europe, as does Kalm, where he says that in size 'they do not quite come up to our foxes.' For, proceeding next to the red fox of America, he says 'they are entirely the same with the European sort.' Which shews he had in view one European sort only, which was the red. So that the result of their testimony is, that the American grey fox is somewhat less than the European red; which is equally true of the grey fox of Europe, as may be seen by comparing the
- XXVII. 63. measures of the Count de Buffon and Monf.
- XIV. 119. Daubenton. The white bear of America is
- Harris. II. as large as that of Europe. The bones of
387. Buffon. the Mammoth which have been found in
- Quad. IX. 1. America, are as large as those found in the old world. It may be asked, why I insert the Mammoth, as if it still existed? I ask in return, why I should omit it, as if it did not exist? Such is the œconomy of nature, that

no instance can be produced of her having permitted any one race of her animals to become extinct; of her having formed any link in her great work so weak as to be broken. To add to this the traditionary testimony of the Indians, that this animal still exists in the northern and western parts of America, would be adding the light of a taper to that of the meridian sun. Those parts still remain in their aboriginal state, unexplored and undisturbed by us, or by others for us. He may as well exist there now, as he did formerly where we find his bones. If he be a carnivorous animal, as some Anatomists have conjectured, and the Indians affirm, his early retirement may be accounted for from the general destruction of the wild game by the Indians, which commences in the first instant of their connection with us, for the purpose of purchasing matchcoats, hatchets, and fire locks, with their skins. There remain then the buffalo, red deer, fallow deer, wolf, roe, glutton, wild cat, monax, vison, hedge hog, martin, and water rat, of the comparative sizes of which we have not sufficient testimony. It does not appear that Messrs. de Buffon and

Daubenton have measured, weighed, or seen those of America. It is said of some of them, by some travellers, that they are smaller than the European. But who were these travellers? Have they not been men of a very different description from those who have laid open to us the other three quarters of the world? Was natural history the object of their travels? Did they measure or weigh the animals they speak of? or did they not judge of them by sight, or perhaps even from report only? Were they acquainted with the animals of their own country, with which they undertake to compare them? Have they not been so ignorant as often to mistake the species? A true answer to these questions would probably lighten their authority, so as to render it insufficient for the foundation of an hypothesis. How unripe we yet are for an accurate comparison of the animals of the two countries, will appear from the work of *Monf. de Buffon*. The ideas we should have formed of the sizes of some animals, from the information he had received at his first publications concerning them, are very dif-

ferent from what his subsequent communications give us. And indeed his candour in this can never be too much praised. One sentence of his book must do him immortal honour. 'J'aime autant une personne qui me *Quadr. IX.* relève d'une erreur, qu'une autre qui m'apprend une verité, parce qu'en effet une erreur corrigée est une verité.' He seems to have thought the Cabiai he first examined wanted little of its full growth. 'Il n'étoit *XXV. 1844* pas encore tout-a-fait adulte.' Yet he weighed but $46\frac{1}{2}$ lb. and he found afterwards, that *Quadr. IX.* these animals, when full grown, weigh 100 *132.* lb. He had supposed, from the examination *XIX. 2.* of a jaguar, said to be two years old, which weighed but 16 lb. 12 oz. that, when he should have acquired his full growth, he would not be larger than a middle sized dog. But a subsequent account raises his weight to 200 *Quadr. IX.* lb. *41.* Further information will, doubtless, produce further corrections. The wonder is, not that there is yet something in this great work to correct, but that there is so little. The result of this view then is, that of 26 quadrupeds common to both countries, 7 are said to be larger in America, 7 of equal

size, and 12 not sufficiently examined. So that the first table impeaches the first member of the assertion, that, of the animals common to both countries, the American are smallest, 'et cela sans aucune exception.' It shews it not just, in all the latitude in which its author has advanced it, and probably not to such a degree as to found a distinction between the two countries.

Proceeding to the second table, which arranges the animals found in one of the two countries only, Mons. de Buffon observes that the tapir, the elephant of America, is but of the size of a small cow. To preserve our comparison, I will add that the wild boar, the elephant of Europe, is little more than half that size. I have made an elk with round or cylindrical horns, an animal of America, and peculiar to it; because I have seen many of them myself, and more of their horns; and because I can say, from the best information, that, in Virginia, this kind of elk has abounded much, and still exists in smaller numbers; and I could never learn that the palmated kind had been seen here at all. I suppose this confined to the

more Northern latitudes.* I have made our hare or rabbit peculiar, believing it to be

* The descriptions of Theodat, Denys and La Hontan, cited by Monf. de Buffon under the article Elan, authorize the supposition that the flat-horned elk is found in the northern parts of America. It has not however extended to our latitudes. On the other hand, I could never learn that the round horned elk has been seen further North than the Hudson's river. This agrees with the former elk in its general character, being, like that, when compared with a deer, very much larger, its ears longer, broader, and thicker in proportion, its hair much longer, neck and tail shorter, having a dew-lap before the breast (*caruncula gutturalis* Linnaei) a white spot often, if not always, of a foot diameter, on the hinder part of the buttocks round the tail; its gait a trot, and attended with a rattling of the hoofs: but distinguished from that decisively by its horns, which are not palmated, but round and pointed. This is the animal described by Catesby as the *Cervus major Americanus*, the Stag of America, le Cerf de l'Amerique. But it differs from the *Cervus* as totally, as does the palmated elk from the dama. And in fact it seems to stand in the same relation to the palmated elk, as the red deer does to the fallow. It has abounded in Virginia, has been seen, within my knowledge, on the Eastern side of the Blue ridge since the year 1765, is now common beyond those mountains, has been often brought

different from both the European animals of

brought to us and tamed, and their horns are in the hands of many. I should designate it as the '*Alces Americanus cornibus teretibus*.' It were to be wished that Naturalists, who are acquainted with the Renne and Elk of Europe, and who may hereafter visit the northern parts of America, would examine well the animals called there by the names of grey and black moose, caribou, orignal, and elk. Mons. de Buffon has done what could be done from the materials in his hands towards clearing up the confusion introduced by the loose application of these names among the animals they are meant to designate. He reduces the whole to the Renne and flat-horned elk. From all the information I have been able to collect, I strongly suspect they will be found to cover three, if not four distinct species of animals. I have seen skins of a moose, and of the caribou: they differ more from each other, and from that of the round-horned elk, than I ever saw two skins differ which belonged to different individuals of any wild species. These differences are in the colour, length and coarseness of the hair, and in the size, texture, and marks of the skin. Perhaps it will be found that there is 1. the moose, black and grey, the former being said to be the male and the latter the female. 2. The caribou or renne. 3. The flat-horned elk or orignal. 4. The round horned elk. Should this last, though possessing so nearly the characters of the elk, be found to be the same with the Cerf d'Ardennes or Brandhirtz of Germany, still there will remain the three species first enumerated.

those

those denominations, and calling it therefore by its Algonquin name, Whabus, to keep it distinct from these. Kalm is of the same opinion. I have enumerated the squirrels according to our own knowledge, derived from daily sight of them, because I am not able to reconcile with that the European appellations and descriptions. I have heard of other species, but they have never come within my own notice. These, I think, are the only instances in which I have departed from the authority of *Monf. de Buffon* in the construction of this table. I take him for my ground work, because I think him the best informed of any Naturalist who has ever written. The result is, that there are 18 quadrupeds peculiar to Europe; more than four times as many, to wit 74, peculiar to America; that the * first of these 74 weighs

Kalm II.

340. I. 81.

* The Tapir is the largest of the animals peculiar to America. I collect his weight thus. *Monf. de Buffon* says, XXIII. 274. that he is of the size of a Zebu, or a small cow. He gives us the measures of a Zebu, *ib.* 94. as taken by himself, viz. 5 feet 7 inches from the muzzle to the root of the tail, and 3 feet

more than the whole column of Europeans; and consequently this second table disproves the second member of the assertion, that the animals peculiar to the new world are on a smaller scale, so far as that assertion relied on European animals for support: and it is in full opposition to the theory which makes the animal volume to depend on the circumstances of *heat* and *moisture*.

The III^d. table comprehends those quadrupeds only which are domestic in both countries. That some of these, in some parts of America, have become less than their original stock, is doubtless true; and the reason is very obvious. In a thinly peopled country, the spontaneous productions of the forests and waste fields are sufficient to support indifferently the domestic animals of the farmer, with a very little aid from him in the se-

feet 1 inch circumference behind the fore legs. A bull, measuring in the same way 6 feet 9 inches and 5 feet 2 inches, weighed 600 lb. VIII. 153. The Zebu then, and of course the Tapir, would weigh about 500 lb. But one individual of every species of European peculiars would probably weigh less than 400 lb. These are French measures and weights.

verest and scarcest season. He therefore finds it more convenient to receive them from the hand of nature in that indifferent state, than to keep up their size by a care and nourishment which would cost him much labour. If, on this low fare, these animals dwindle, it is no more than they do in those parts of Europe where the poverty of the soil, or poverty of the owner, reduces them to the same scanty subsistence. It is the uniform effect of one and the same cause, whether acting on this or that side of the globe. It would be erring therefore against that rule of philosophy, which teaches us to ascribe like effects to like causes, should we impute this diminution of size in America to any imbecility or want of uniformity in the operations of nature. It may be affirmed with truth that, in those countries, and with those individuals of America, where necessity or curiosity has produced equal attention as in Europe to the nourishment of animals, the horses, cattle, sheep, and hogs of the one continent are as large as those of the other. There are particular instances, well attested, where individuals of this country have imported good breeders from England, and have

improved their size by care in the course of some years. To make a fair comparison between the two countries, it will not answer to bring together animals of what might be deemed the middle or ordinary size of their species; because an error in judging of that middle or ordinary size would vary the re-

VII. 432. sult of the comparison. Thus Monsieur d'Aubenton considers a horse of 4 feet 5 inches high and 400 lb. weight French, equal to 4 feet 8.6 inches and 436 lb. English, as a middle sized horse. Such a one is deemed a small horse in America. The extremes must therefore be resorted to. The same anatomist

VII. 474. dissected a horse of 5 feet 9 inches height, French measure, equal to 6 feet 1.7 English. This is near 6 inches higher than any horse I have seen: and could it be supposed that I had seen the largest horses in America, the conclusion would be, that ours have diminished, or that we have bred from a smaller stock. In Connecticut and Rhode-Island, where the climate is favorable to the production of grass, bullocks have been slaughtered which weighed 2500, 2200, and 2100 lb. nett; and those of 1800 lb. have been

frequent. I have seen a * hog weigh 1050 lb. after the blood, bowels, and hair had been taken from him. Before he was killed an attempt was made to weigh him with a pair of steel-yards, graduated to 1200 lb. but he weighed more. Yet this hog was probably not within fifty generations of the European stock. I am well informed of another which weighed 1100 lb. gross. Affes have been still more neglected than any other domestic animal in America. They are neither fed nor housed in the most rigorous season of the year. Yet they are larger than those measured by Monf. Daubenton, of 3 feet $7\frac{1}{4}$ inches, 3 feet 4 inches, and 3 feet $2\frac{1}{2}$ inches, the latter weighing only 215.8 lb. These sizes I suppose have been produced by the same negligence in Europe, which has produced a like diminution here. Where care has been taken of them on that side of the water, they have been raised to a size bordering on that of the horse; not by the *heat* and *dryness* of the climate, but by good food and shelter. Goats have been also much

* In Williamsburg, April, 1769.

neglected in America. Yet they are very prolific here, bearing twice or three times a year, and from one to five kids at a birth.

- XVIII. 96. Mons. de Buffon has been sensible of a difference in this circumstance in favour of America. But what are their greatest weights I cannot say. A large sheep here weighs 100 lb. I observe Mons. Daubenton calls a ram of 62 lb. one of the middle size. But to say what are the extremes of growth in these and the other domestic animals of America, would require information of which no one individual is possessed. The weights actually known and stated in the third table preceding will suffice to shew that we may conclude, on probable grounds, that, with equal food and care, the climate of America will preserve the races of domestic animals as large as the European stock from which they are derived; and consequently that the third member of Mons. de Buffon's assertion, that the domestic animals are subject to degeneration from the climate of America, is as probably wrong as the first and second were certainly so.

That the last part of it is erroneous, which affirms that the species of American quadru-

pedes are comparatively few, is evident from the tables taken all together. By these it appears that there are an hundred species aboriginal of America. *Monf. de Buffon* supposes about double that number existing on the whole earth. Of these Europe, Asia, and Africa furnish suppose 126; that is, the 26 common to Europe and America, and about 100 which are not in America at all. The American species then are to those of the rest of the earth, as 100 to 126, or 4 to 5. But the residue of the earth being double the extent of America, the exact proportion would have been but as 4 to 8. XXX. 219.

Hitherto I have considered this hypothesis as applied to brute animals only, and not in its extention to the man of America, whether aboriginal or transplanted. It is the opinion of *Monf. de Buffon* that the former furnishes no exception to it. ' *Quoique le* XVIII. 146 *fauvage du nouveau monde soit à-peu-près de même stature que l'homme de notre monde, cela ne suffit pas pour qu'il puisse faire une exception au fait général du rapetissement de la nature vivante dans tout ce continent: le fauvage est foible & petit par les organes de la génération; il n'a ni poil, ni barbe, &*

nulle ardeur pour sa femelle; quoique plus léger que l'Européen parce qu'il a plus d'habitude à courir, il est cependant beaucoup moins fort de corps; il est aussi bien moins sensible, & cependant plus craintif & plus lâche; il n'a nulle vivacité, nulle activité dans l'ame; celle du corps est moins un exercice, un mouvement volontaire qu'une nécessité d'action causée par le besoin; otez lui la faim & la soif, vous détruirez en même temps le principe actif de tous ses mouvemens; il demeurera stupidement en repos sur ses jambes ou couché pendant des jours entiers. Il ne faut pas aller chercher plus loin la cause de la vie dispersée des sauvages & de leur éloignement pour la société: la plus précieuse étincelle du feu de la nature leur a été refusée; ils manquent d'ardeur pour leur femelle, & par conséquent d'amour pour leurs semblables: ne connoissant pas l'attachement le plus vif, le plus tendre de tous, leurs autres sentimens de ce genre sont froids & languissans; ils aiment faiblement leurs pères & leurs enfans; la société la plus intime de toutes, celle de la même famille, n'a donc chez eux que de faibles liens; la société d'une famille à l'autre n'en a point du tout: dès lors nulle réu-

nion, nulle république, nulle état social. La physique de l'amour fait chez eux le moral des mœurs; leur cœur est glacé, leur société froide, & leur empire dur. Ils ne regardent leurs femmes que comme des servantes de peine ou des bêtes de somme qu'ils chargent, sans ménagement, du fardeau de leur chasse, & qu'ils forcent sans pitié, sans reconnoissance, à des ouvrages qui souvent sont au-dessus de leurs forces: ils n'ont que peu d'enfans; ils en ont peu de soin; tout se ressent de leur premier défaut; ils sont indifférens parce qu'ils sont peu puissans, & cette indifférence pour le sexe est la tâche originelle qui flétrit la nature, qui l'empêche de s'épanouir, & qui détruisant les germes de la vie, coupe en même temps la racine de la société. L'homme ne fait donc point d'exception ici. La nature en lui refusant les puissances de l'amour l'a plus maltraité & plus rapetissé qu'aucun des animaux.' An afflicting picture indeed, which, for the honor of human nature, I am glad to believe has no original. Of the Indian of South America I know nothing; for I would not honor with the appellation of knowledge what I derive from the fables published of them. These I believe

to be just as true as the fables of *Æsop*. This belief is founded on what I have seen of man, white, red, and black, and what has been written of him by authors, enlightened themselves, and writing amidst an enlightened people. The Indian of North America being more within our reach, I can speak of him somewhat from my own knowledge, but more from the information of others better acquainted with him, and on whose truth and judgment I can rely. From these sources I am able to say, in contradiction to this representation, that he is neither more defective in ardor, nor more impotent with his female, than the white reduced to the same diet and exercise: that he is brave, when an enterprize depends on bravery; education with him making the point of honor consist in the destruction of an enemy by stratagem, and in the preservation of his own person free from injury; or perhaps this is nature; while it is education which teaches us to * honor force more than

* *Sol Rodomonte sprezza di venire*
Se non, dove la via meno è sicura. Ariosto. 14. 117.

finesse : that he will defend himself against an host of enemies, always chusing to be killed, rather than to † surrender, though it

† In so judicious an author as Don Ulloa, and one to whom we are indebted for the most precise information we have of South America, I did not expect to find such assertions as the following. ‘ Los Indios vencidos son los mas cobardes y pusilanimos que se pueden ver :---se hacen inocentes, se humillan hasta el desprecio, disculpan su inconsiderado arrojo, y con las suplicas y los ruegos dan seguras pruebas de su pusilanimidad.---ó lo que refieren las historias de la Conquista, sobre sus grandes acciones, es en un sentido figurado, ó el caracter de estas gentes no es ahora segun era entonces ; pero lo que no tiene duda es, que las Naciones de la parte Septentrional subsisten en la misma libertad que siempre han tenido, sin haber sido sojuzgados por algun Principe extraño, y que viven segun su régimen y costumbres de toda la vida, sin que haya habido motivo para que muden de caracter ; y en estos se vé lo mismo, que sucede en los del Peru, y de toda la América Meridional, reducidos, y que nunca lo han estado.’ Noticias Americanas. Entretenimiento XVIII. §. 1. Don Ulloa here admits, that the authors who have described the Indians of South America, before they were enslaved, had represented them as a brave people, and therefore seems to have suspected that the cowardice which he had observed in those of the present race might be the effect of subjugation. But, supposing the Indians of North

be to the whites, who he knows will treat him well: that in other situations also he meets death with more deliberation and endures tortures with a firmness unknown almost to religious enthusiasm with us: that he is affectionate to his children, careful of them, and indulgent in the extreme: that his affections comprehend his other connections,

North America to be cowards also, he concludes the ancestors of those of South America to have been so too, and therefore that those authors have given fictions for truths. He was probably not acquainted himself with the Indians of North America, and had formed his opinion of them from hear-say. Great numbers of French, of English, and of Americans, are perfectly acquainted with these people. Had he had an opportunity of enquiring of any of these, they would have told him, that there never was an instance known of an Indian begging his life when in the power of his enemies: on the contrary, that he courts death by every possible insult and provocation. His reasoning then would have been reversed thus. 'Since the present Indian of North America is brave, and authors tell us that the ancestors of those of South America were brave also; it must follow, that the cowardice of their descendants is the effect of subjugation and ill treatment.' For he observes, *ib* §. 27. that '*los obrages los aniquilan por la inhumanidad con que se les trata.*'

weakening, as with us, from circle to circle, as they recede from the center: that his friendships are strong and faithful to the uttermost * extremity: that his sensibility is keen, even the warriors weeping most bitterly on the loss of their children, though in general they endeavour to appear superior to human events: that his vivacity and activity

* A remarkable instance of this appeared in the case of the late Col. Byrd, who was sent to the Cherokee nation to transact some business with them. It happened that some of our disorderly people had just killed one or two of that nation. It was therefore proposed in the council of the Cherokees that Col. Byrd should be put to death in revenge for the loss of their countrymen. Among them was a chief called Silouee, who on some former occasion had contracted an acquaintance and friendship with Col. Byrd. He came to him every night in his tent and told him not to be afraid, they should not kill him. After many days deliberation, however, the determination was, contrary to Silouee's expectation, that Byrd should be put to death, and some warriors were dispatched as executioners. Silouee attended them, and when they entered the tent he threw himself between them and Byrd, and said to the warriors, 'this man is my friend: before you get at him you must kill me.' On which they returned, and the council respected the principle so much as to recede from their determination.

of mind is equal to ours in the same situation, hence his eagerness for hunting and for games of chance. The women are submitted to unjust drudgery. This I believe is the case with every barbarous people. With such, force is law. The stronger sex therefore imposes on the weaker. It is civilization alone which replaces women in the enjoyment of their natural equality. That first teaches us to subdue the selfish passions, and to respect those rights in others which we value in ourselves. Were we in equal barbarism our females would be equal drudges. The man with them is less strong than with us, but their woman stronger than ours; and both for the same obvious reason; because our man and their woman is habituated to labour and formed by it. With both races the sex which is indulged with ease is least athletic. An Indian man is small in the hand and wrist for the same reason for which a sailor is large and strong in the arms and shoulders, and a porter in the legs and thighs. —They raise fewer children than we do. The causes of this are to be found, not in a difference of nature, but of circumstance. The women very frequently attending the men in

their parties of war and of hunting, child-bearing becomes extremely inconvenient to them. It is said therefore that they have learnt the practice of procuring abortion by the use of some vegetable; and that it even extends to prevent conception for a considerable time after. During these parties they are exposed to numerous hazards, to excessive exertions, to the greatest extremities of hunger. Even at their homes the nation depends for food, through a certain part of every year, on the gleanings of the forest: that is, they experience a famine once in every year. With all animals, if the female be illy fed, or not fed at all, her young perish: and if both male and female be reduced to like want, generation becomes less active, less productive. To the obstacles then of want and hazard, which nature has opposed to the multiplication of wild animals, for the purpose of restraining their numbers within certain bounds, those of labour and of voluntary abortion are added with the Indian. No wonder then if they multiply less than we do. Where food is regularly supplied, a single farm will shew more of cattle, than a whole country of forests can of buffaloes. The

same Indian women, when married to white traders, who feed them and their children plentifully and regularly, who exempt them from excessive drudgery, who keep them stationary and unexposed to accident, produce and raise as many children as the white women. Instances are known, under these circumstances, of their rearing a dozen children. An inhuman practice once prevailed in this country of making slaves of the Indians. It is a fact well known with us that the Indian women so enslaved produced and raised as numerous families as either the whites or blacks among whom they lived.— It has been said that Indians have less hair than the whites, except on the head. But this is a fact of which fair proof can scarcely be had. With them it is disgraceful to be hairy on the body. They say it likens them to hogs. They therefore pluck the hair as fast as it appears. But the traders who marry their women, and prevail on them to discontinue this practice, say that nature is the same with them as with the whites. Nor, if the fact be true, is the consequence necessary which has been drawn from it. Negroes have notoriously less hair than the

whites; yet they are more ardent. But if cold and moisture be the agents of nature for diminishing the races of animals, how comes she all at once to suspend their operation as to the physical man of the new world, whom the Count acknowledges to be 'à peu près de même stature que l'homme de notre monde,' and to let loose their influence on his moral faculties? How has this 'combination of the elements and other physical causes, so contrary to the enlargement of animal nature in this new world, these obstacles to the developement and formation of great germs,' been arrested and suspended so as to permit the human body to acquire its just dimensions, and by what inconceivable process has their action been directed on his mind alone? To judge of the truth of this, to form a just estimate of their genius and mental powers, more facts are wanting, and great allowance to be made for those circumstances of their situation which call for a display of particular talents only. This done, we shall probably find that they are formed in mind as well as in body, on the same

module with the * 'Homo sapiens Europaeus.' The principles of their society forbidding all compulsion, they are to be led to duty and to enterprize by personal influence and persuasion. Hence eloquence in council, bravery and address in war, become the foundations of all consequence with them. To these acquirements all their faculties are directed. Of their bravery and address in war we have multiplied proofs, because we have been the subjects on which they were exercised. Of their eminence in oratory we have fewer examples, because it is displayed chiefly in their own councils. Some however we have of very superior lustre. I may challenge the whole orations of Demosthenes and Cicero, and of any more eminent orator, if Europe has furnished more eminent, to produce a single passage, superior to the speech of Logan, a Mingo chief, to Lord Dunmore when governor of this state. And as a testimony of their talents in this line, I beg leave to introduce it, first stating the incidents necessary for understanding it. In the

* Linn, Syst. Definition of a man.

Spring of the year 1774, a robbery and murder were committed on an inhabitant of the frontiers of Virginia, by two Indians of the Shawanee tribe. The neighbouring whites, according to their custom, undertook to punish this outrage in a summary way. Col. Cresap, a man infamous for the many murders he had committed on those much injured people, collected a party and proceeded down the Kanhaway in quest of vengeance. Unfortunately a canoe of women and children, with one man only, was seen coming from the opposite shore, unarmed, and unsuspecting an hostile attack from the whites. Cresap and his party concealed themselves on the bank of the river, and the moment the canoe reached the shore, singled out their objects, and, at one fire, killed every person in it. This happened to be the family of Logan, who had long been distinguished as a friend of the whites. This unworthy return provoked his vengeance. He accordingly signalized himself in the war which ensued. In the autumn of the same year, a decisive battle was fought at the mouth of the Great Kanhaway, between the collected forces of the Shawanees, Mingoes, and Delawares, and

a detachment of the Virginia militia. The Indians were defeated, and sued for peace. Logan however disdained to be seen among the suppliants. But lest the sincerity of a treaty should be distrusted, from which so distinguished a chief absented himself, he sent by a messenger the following speech to be delivered to Lord Dunmore.

‘ I appeal to any whiteman to say, if ever he entered Logan’s cabin hungry, and he gave him not meat ; if ever he came cold and naked, and he cloathed him not. During the course of the last long and bloody war, Logan remained idle in his cabin an advocate for peace. Such was my love for the whites, that my countrymen pointed as they passed and said ‘ Logan is the friend of white men.’ I had even thought to have lived with you, but for the injuries of one man. Col. Cresap, the last spring, in cold blood, and unprovoked, murdered all the relations of Logan, not sparing even my women and children. There runs not a drop of my blood in the veins of any living creature. This called on me for revenge. I have sought it: I have killed many: I have fully glutted my vengeance. For my coun-

try, I rejoice at the beams of peace. But do not harbour a thought that mine is the joy of fear. Logan never felt fear. He will not turn on his heel to save his life. Who is there to mourn for Logan?—Not one.

Before we condemn the Indians of this continent as wanting genius, we must consider that letters have not yet been introduced among them. Were we to compare them in their present state with the Europeans North of the Alps, when the Roman arms and arts first crossed those mountains, the comparison would be unequal, because, at that time, those parts of Europe were swarming with numbers; because numbers produce emulation, and multiply the chances of improvement, and one improvement begets another. Yet I may safely ask, How many good poets, how many able mathematicians, how many great inventors in arts or sciences had Europe North of the Alps then produced? And it was sixteen centuries after this before a Newton could be formed. I do not mean to deny, that there are varieties in the race of man, distinguished by their powers both of body and mind. I believe there are, as

I see to be the case in the races of other animals. I only mean to suggest a doubt, whether the bulk and faculties of animals depend on the side of the Atlantic on which their food happens to grow, or which furnishes the elements of which they are compounded? Whether nature has enlisted herself as a Cis- or Trans-Atlantic partisan? I am induced to suspect there has been more eloquence than sound reasoning displayed in support of this theory; that it is one of those cases where the judgment has been seduced by a glowing pen: and whilst I render every tribute of honour and esteem to the celebrated Zoologist who has added, and is still adding, so many precious things to the treasures of science, I must doubt whether in this instance he has not cherished error also, by lending her for a moment his vivid imagination and bewitching language. (4)

So far the Count de Buffon has carried this new theory of the tendency of nature to belittle her productions on this side the Atlantic. Its application to the race of whites, transplanted from Europe, remained for the Abbé Raynal. 'On doit être étonné (he says) que l'Amérique n'ait pas encore produit un bon poète,

un habile mathématicien, un homme de génie dans un seul art, ou une seule science.' 7.

Hist. Philos. pa. 92. edn Maestricht. 1774.

'America has not yet produced one good poet.' When we shall have existed as a people as long as the Greeks did before they produced a Homer, the Romans a Virgil, the French a Racine and Voltaire, the English a Shakespeare and Milton, should this reproach be still true, we will enquire from what unfriendly causes it has proceeded, that the other countries of Europe and quarters of the earth shall not have inscribed any name in the roll of poets.* But neither has America produced 'one able mathematician, one man of genius in a single art or a single science.' In war we have produced a Washington, whose memory will be adored while

* Has the world as yet produced more than two poets, acknowledged to be such by all nations? An Englishman, only, reads Milton with delight, an Italian Tasso, a Frenchman the *Henriade*, a Portuguese Camoëns: but Homer and Virgil have been the rapture of every age and nation: they are read with enthusiasm, in their originals by those who can read the originals, and in translations by those who cannot.

liberty shall have votaries, whose name will triumph over time, and will in future ages assume its just station among the most celebrated worthies of the world, when that wretched philosophy shall be forgotten which would have arranged him among the degeneracies of nature. In Physics we have produced a Franklin, than whom no one of the present age has made more important discoveries, nor has enriched philosophy with more, or more ingenious solutions of the phenomena of nature. We have supposed Mr. Rittenhouse second to no Astronomer living: that in genius he must be the first, because he is self-taught. As an artist he has exhibited as great a proof of mechanical genius as the world has ever produced. He has not indeed made a world; but he has by imitation approached nearer its maker than any man who has lived from the creation to this day.* As in philosophy and war,

* There are various ways of keeping truth out of sight. Mr. Rittenhouse's model of the planetary system has the plagiarist's appellation of an Orrery; and the quadrant invented by Godfrey, an American also, and with the aid of which the European nations traverse the globe, is called Hadley's quadrant.

so in government, in oratory, in painting, in the plastic art, we might shew that America, though but a child of yesterday, has already given hopeful proofs of genius, as well of the nobler kinds which arouse the best feelings of man, which call him into action, which substantiate his freedom, and conduct him to happiness, as of the subordinate, which serve to amuse him only. We therefore suppose that this reproach is as unjust as it is unkind; and that, of the geniuses which adorn the present age, America contributes its full share. For comparing it with those countries, where genius is most cultivated, where are the most excellent models for art, and scaffoldings for the attainment of science, as France and England for instance, we calculate thus. The United States contain three millions of inhabitants; France twenty millions; and the British islands ten. We produce a Washington, a Franklin, a Rittenhouse. France then should have half a dozen in each of these lines, and Great Britain half that number, equally eminent. It may be true, that France has: we are but just becoming acquainted with her, and our acquaintance

so far gives us high ideas of the genius of her inhabitants. It would be injuring too many of them to name particularly a Voltaire, a Buffon, the constellation of Encyclopedists, the Abbé Raynal himself, &c. &c. We therefore have reason to believe she can produce her full quota of genius. The present war having so long cut off all communication with Great Britain, we are not able to make a fair estimate of the state of science in that country. The spirit in which she wages war is the only sample before our eyes, and that does not seem the legitimate offspring either of science or of civilisation. The sun of her glory is fast descending to the horizon. Her philosophy has crossed the Channel, her freedom the Atlantic, and herself seems passing to that awful dissolution whose issue is not given human foresight to scan.*

* In a later edition of the Abbé Raynal's work, he has withdrawn his censure from that part of the new world inhabited by the Federo-Americans; but has left it still on the other parts. North America has always been more
accessible

Having given a sketch of our minerals, vegetables, and quadrupeds, and being led by a proud theory to make a comparison of the latter with those of Europe, and to ex-

accessible to strangers than South. If he was mistaken then as to the former, he may be so as to the latter. The glimmerings which reach us from South America enable us only to see that its inhabitants are held under the accumulated pressure of slavery, superstition and ignorance. Whenever they shall be able to rise under this weight, and to shew themselves to the rest of the world, they will probably shew they are like the rest of the world. We have not yet sufficient evidence that there are more *lakes* and *fogs* in South America than in other parts of the earth. As little do we know what would be their operation on the mind of man. That country has been visited by Spaniards and Portuguese chiefly, and almost exclusively. These, going from a country of the old world remarkably dry in its soil and climate, fancied there were more lakes and fogs in South America than in Europe. An inhabitant of Ireland, Sweden or Finland would have formed the contrary opinion. Had South America then been discovered and seated by a people from a fenny country, it would probably have been represented as much drier than the old world. A patient pursuit of facts, and cautious combination and comparison of them, is the drudgery to which man is subjected by his maker, if he wishes to attain sure knowledge.

tend it to the Man of America, both aboriginal and emigrant, I will proceed to the remaining articles comprehended under the present query.

Between ninety and an hundred of our birds have been described by Catesby. His drawings are better as to form and attitude than colouring, which is generally too high. They are the following.

BIRDS OF VIRGINIA.

[125]

Linnaean Designation.	Catesby's Designation.	Popular Name.
8. B. 398. <i>Catesby.</i> B. 1. 246. <i>Aurona.</i>	Muscicapa coronâ rubrâ	Tyrant. Field martin
1. B. 198.	Butco specie Gallo-pavonis	Turkey buzzard
1. B. 338.	Aquila capite albo	Bald Eagle
1. B. 286. 312.	Accipiter minor	Little hawk. Sparrow hawk
B. 1. 199. <i>Sporocorys peckhami?</i> on <i>Baltimore</i> 23.	Accipiter palumbarius	Pigeon hawk
1. B. 141.	Accipiter caudâ furcatâ	Forked tail hawk
11. B. 383.	Accipiter picatorius	Fishing hawk
5. B. 164.	Noctua aurita minor	Little owl
5. B. 318.	Psittacus Caroliniensis	Parrot of Carolina. Perroquet
5. B. 321.	Pica glandaria, cærulea, cristata	Blue jay
5. B. 134.	Icterus ex aureo nigroque varius	Baltimore bird
12. B. 62.	Icterus minor	Bastard-Baltimore
12. B. 69.	Monedula purpurea	Purple jackdaw. Crow blackbird
12. B. 72.	Cuculus Caroliniensis	Carolina cuckoo
12. B. 83.	Picus maximus rostro albo	White bill woodpecker
12. B. 59.	Picus niger maximus, capite rubro	Larger red-crested woodpecker
	Picus capite toto rubro	Red headed woodpecker
	Picus major alis aurcis	Gold winged woodpecker. Yucker

Linnaean Designation.	Catesby's Designation.	Popular Name.
13. B. 105.	Picus Carolinus	Red bellied woodpecker
13. B. 113.	Picus pubescens	Smallest spotted woodpecker
13. B. 111.	Picus villosus	Hairy woodpecker. Speck. woodpec.
13. B. 115.	Picus varius	Yellow bellied woodpecker
10. B. 213.	Sitta Europæa	Nuthatch
10. B. 214.	Sitta capite nigro	Small Nuthatch
13. B. 310.	Sitta capite fulco	Kingfisher
9. B. 433.	Alcedo alcyon	Pincreeper
11. B. 16.	Certhia pinus	Humming bird
17. B. 122.	Trochilus colubris	Wild goose
17. B. 356.	Anas Canadensis	Buffel's head duck
17. B. 402.	Anas bucephala	Little brown duck
17. B. 403.	Anas rustica	White face teal
17. B. 405.	Anas discors.	Blue wing teal
17. B. 351.	Anas discors. c.	Summer duck
17. B. 275.	Anas sponfa	Blue wing shoveler
15. B. 337.	Mergus cucullatus	Round crested duck
15. B. 385.	Colymbus podiceps	Pied bill dophchick
14. B. 113.	Ardea Herodias	Largest crested heron
14. B. 134.	Ardea violacea	Crested bittern
14. B. 131.	Ardea cærulea	Blue heron. Crane

Popular Names.

Small bittern
Little white heron
Brown bittern. Indian hen
Wood pelican
White curlew
Brown curlew
Chartering plover. Kildee
Oyster Catcher
Sorec. Ral-bird
Wild turkey
American partridge. American quail
Pheasant. Mountain partridge
Ground dove
Pigeon of passage. Wild Pigeon
Turtle. Turtle dove
Lark. Sky lark
Field lark. Large lark
Red winged starling. Marsh blackbird
Fieldfare of Carolina. Robin redbreast
Fox coloured thrush. Thrush
Mockingbird

Catesby's designation.

Ardea stellaris minima
Ardea alba minor Caroliniensis
Ardea stellaris Americana
Pelicanus Americanus
Numenius albus
Numenius fuscus
Pluvialis vociferus
Hæmaropus
Gallinula Americana
Gallinula sylvestris
Perdix sylvestris Virginiana
Urogallus minor, or a kind of Lagopus
Turtur minimus guttatus
Palumbus migratorius
Turtur Caroliniensis
Alauda gurgure flavo
Alauda magna
Sturnus niger alis superné rubentibus
Turdus pilaris migratorius
Turdus rufus
Turdus minor cinereus albus non macularus

Linnaean Designation.

1.80. Ardea virescens
1.77. Ardea æquinoctialis
1.81. Tantalus loculator
1.82. Tantalus alber
1.83. Tantalus fuscus
1.71. Charadrius vociferus
1.85. Hæmaropus ostralegus
1.70. Rallus Virginianus
1.71. Meleagris Gallopavo
3.12. Tetrao Virginianus
3.1. Columba passerina
1.26. Columba passerina
1.23. Columba migratoria
1.24. Columba Caroliniensis
1.32. Alauda alpestris
1.33. Alauda magna
1.29. Turdus migratorius
1.28. Turdus rufus
1.27. Turdus polyglottos

14. B. 142.
14. B. 136.
14. B. 175.
15. B. 403.
15. B. 62.
15. B. 64.
15. B. 151.
15. B. 185.
15. B. 256.
3. B. 187. d. under. 229.
4. B. 223.
3. B. 409.
4. B. 404.
4. B. 351.
4. B. 401.
9. B. 79.
6. B. 59.
5. B. 293.
5. B. 426. 9. B. 267.
5. B. 449.
5. B. 451.

Linnaean Designation.	Catesby's Designation.	Popular Name.
Catesby 1.31.	Turdus minimus	Little thrush
5. B. 406.	Garrulus Carolinensis	Chatterer
6. B. 162.	Coccothraustes rubra	Red bird. Virginia nightingale
6. B. 185.	Coccothraustes carulea	Blue gros beak
8. B. 125.	Passer nivalis	Snow bird
8. B. 47.	Hortulanus Carolinensis	Rice bird
8. B. 49.	Fringilla tricolor	Painted finch
7. B. 247.	Linaria carulea	Blue linnet
7. B. 122.	Passerculus	Little sparrow
7. B. 120.	Passer fuscus	Cowpen bird
7. B. 136.	Passer niger oculis rubris	Towhee bird
7. B. 201.	Carduelis Americana	American goldfinch. Lettuce bird
7. B. 297.	Fringilla erythrophthal-	Purplefinch
8. B. 129.	[ma] Fringilla tristis	Crested flycatcher
8. B. 379.	Muscicapa crinita	Summer red bird
8. B. 410.	Muscicapa rubra	Red start
8. B. 349. 9. B. 259.	Muscicapa ruticilla	Cat bird
8. B. 372.	Muscicapa Carolinensis	Black-cap flycatcher
8. B. 341.	Muscicapa nigrescens	Little brown flycatcher
8. B. 344.	Muscicapa fulca	Red eyed flycatcher
8. B. 337.	Muscicapa oculis rubris	Blue bird
9. B. 308.	Rubicula Americana carulea	

Linnaean Designation.	Catesby's designation.	Popular Names.
10. B. 58.	3. 3. Motacilla regulus	Wren
6. B. 96.	1. 50. Motacilla trochilus. 6.	Yellow breasted chat
10. B. 181.	1. 57. Parus bicolor	Crested titmouse
9. B. 442.	1. 64. Parus Americanus	Finch creeper
10. B. 184.	1. 58. Parus Virginianus	Yellow rump
10. B. 183.	1. 60.	Hooded titmouse
	1. 62.	Yellow throated creeper
9. B. 431.	1. 63.	Yellow titmouse
12. B. 478.	3. 8. Hirundo Pelasgia	American swallow
12. B. 445.	1. 51. Hirundo purpurea	Purple martin. House martin.
12. B. 243.	1. 8. Caprimulgus Europæus ^a	Goatsucker. Great bat
12. B. 246.	3. 16. Caprimulgus Europæus ^c	Whip-poor-Will

Besides these, we have

s. B. 7A.

The Royston crow. <i>Corvus</i> cornix	The Duck and Mallard Widgeon
Crane. <i>Ardea</i> Cana- denfis	Sheldrach, or Canvas back
House swallow. <i>Hirun-</i> do rustica	Black head
Ground swallow. <i>Hi-</i> rundo riparia	Ballcoot
Greatest grey eagle	Sprig tail
Smaller turkey-buzzard with a feathered head	Didapper or Dopchick
Greatest owl, or night hawk	Spoon billed duck
Wet hawk, which feeds flying	Water-witch
Raven	Water-pheasant
Water Pelican of the Mississipi whose pouch holds a peck	Mow-bird
Swan	Blue peter
Loon	Water wagtail
Cormorant	Yellow legged snipe
	Squatting snipe
	Small plover
	Whistling plover
	Woodcock
	Red bird, with black head, wings and tail
	Wren

And doubtless many others which have not yet been described and classed.

To this catalogue of our indigenous animals, I will add a short account of an anomaly of nature, taking place sometimes in the race of negroes brought from Africa, who, though black themselves, have in rare instances white children, called Albinos. I have known four of these myself, and have faithful accounts of three others. The cir-

cumstances in which all the individuals agree are these. They are of a pallid cadaverous white, untinged with red, without any coloured spots or seams, their hair of the same kind of white, short, coarse, and curled as is that of the negro; all of them well formed, strong, healthy, perfect in their senses, except that of sight, and born of parents who had no mixture of white blood. Three of these Albinos were sisters, having two other full sisters who were black. The youngest of the three was killed by lightning at twelve years of age. The eldest died at about 27 years of age, in child bed, with her second child. The middle one is now alive in health, and has issue, as the eldest had, by a black man, which issue was black. They are uncommonly shrewd, quick in their apprehensions and in reply. Their eyes are in a perpetual tremulous vibration, very weak, and much affected by the sun: but they see better in the night than we do. They are of the property of Col. Skipwith, of Cumberland. The fourth is a negro woman, whose parents came from Guinea, and had three other children who were of their own colour. She is freckled, her eye sight so weak that she is obliged

to wear a bonnet in the summer; but it is better in the night than day. She had an Albino child by a black man. It died at the age of a few weeks. These were the property of Col. Carter of Albemarle. A sixth instance is a woman of the property of a Mr. Butler, near Petersburg. She is stout and robust, has issue a daughter, jet black, by a black man. I am not informed as to her eye sight. The seventh instance is of a male belonging to a Mr. Lee of Cumberland. His eyes are tremulous and weak. He is tall of stature, and now advanced in years. He is the only male of the Albinos which have come within my information. Whatever be the cause of the disease in the skin, or in its colouring matter, which produces this change, it seems more incident to the female than male sex. To these I may add the mention of a negro man within my own knowledge, born black, and of black parents; on whose chin, when a boy, a white spot appeared. This continued to increase till he became a man, by which time it had extended over his chin, lips, one cheek, the under jaw and neck on that side. It is of the Albino white, without any mixture of red,

and has for several years been stationary. He is robust and healthy, and the change of colour was not accompanied with any sensible disease, either general or topical.

Of our fish and insects there has been nothing like a full description or collection. More of them are described in Catesby than in any other work. Many also are to be found in Sir Hans Sloane's Jamaica, as being common to that and this country. The honey-bee is not a native of our continent. Marcgrave indeed mentions a species of honey bee in Brasil. But this has no sting, and is therefore different from the one we have, which resembles perfectly that of Europe. The Indians concur with us in the tradition that it was brought from Europe; but when, and by whom, we know not. The bees have generally extended themselves into the country, a little in advance of the white settlers. The Indians therefore call them the white man's fly, and consider their approach as indicating the approach of the settlements of the whites. A question here occurs, How far northwardly have these insects been found? That they are unknown in Lapland, I infer from Scheffer's information, that the Lapland-

I. 126.

ers eat the pine bark, prepared in a certain way, instead of those things sweetened with sugar. 'Hoc comedunt pro rebus saccharo conditis.' Scheff. Lapp. c. 18. Certainly, if they had honey, it would be a better substitute for sugar than any preparation of the pine bark. Kalm tells us the honey bee cannot live through the winter in Canada. They furnish then an additional proof of the remarkable fact first observed by the Count de Buffon, and which has thrown such a blaze of light on the field of natural history, that no animals are found in both continents, but those which are able to bear the cold of those regions where they probably join.

Q U E R Y VII.

Climate.

A Notice of all what can increase the progress of human knowledge ?

Under the latitude of this query, I will presume it not improper nor unacceptable to furnish some data for estimating the climate of Virginia. Journals of observations on the quantity of rain, and degree of heat, being lengthy, confused, and too minute to

produce general and distinct ideas, I have taken five years observations, to wit from 1772 to 1777, made in Williamsburgh and its neighbourhood, have reduced them to an average for every month in the year, and stated those averages in the following table, adding an Analytical view of the winds during the same period.

	Fall of rain, &c. in inches.	Least & greatest daily heat by Farenheit's thermometer.	W I N D S.									
			N.	N.E.	E.	S.E.	S.	S.W.	W.	N.W.	Total	
Jan.	3.92	38½ to 44	73	47	32	10	11	78	40	46	337	
Feb.	2.049	41 47½	61	52	24	11	4	63	30	31	276	
Mar.	3.95	48 54½	49	44	38	28	14	83	29	33	318	
April	3.68	56 62½	35	44	54	19	9	58	18	20	257	
May	2.871	63 70½	27	36	62	23	7	74	32	20	281	
June	3.751	71½ 78½	22	34	43	24	13	81	25	25	267	
July	4.497	77 82½	41	44	75	15	7	95	32	19	328	
Aug.	9.153	76½ 81	43	52	40	30	9	103	27	30	334	
Sept.	4.761	69½ 74½	70	60	51	18	10	81	18	37	345	
Oct.	3.633	61½ 64½	52	77	64	15	6	56	23	34	327	
Nov.	2.617	47½ 53½	74	21	20	14	9	63	35	58	294	
Dec.	2.877	43 48½	64	37	18	16	10	91	42	56	334	
Total	47.038	8.A.M. 4.P.M.	611	548	521	223	109	926	351	409	3698	

ry
yea
rag
War
of
an
hea
age
ave
The
obse
The
for
amo
was
east
wha
in e
the
peri
serv
158
T
on a
whic
falls

The rains of every month, (as of January for instance) through the whole period of years, were added separately, and an average drawn from them. The coolest and warmest point of the same day in each year of the period were added separately, and an average of the greatest cold and greatest heat of that day, was formed. From the averages of every day in the month, a general average for the whole month was formed. The point from which the wind blew was observed two or three times in every day. These observations, in the month of January for instance, through the whole period, amounted to 337. At 73 of these, the wind was from the North; at 47, from the North-east, &c. So that it will be easy to see in what proportion each wind usually prevails in each month: or, taking the whole year, the total of observations through the whole period having been 3698, it will be observed that 611 of them were from the North, 758 from the North-east, &c.

Though by this table it appears we have on an average 47 inches of rain annually, which is considerably more than usually falls in Europe, yet from the information I

have collected, I suppose we have a much greater proportion of sunshine here than there. Perhaps it will be found there are * twice as many cloudy days in the middle parts of Europe, as in the United States of America. I mention the middle parts of Europe, because my information does not extend to its northern or southern parts.

In an extensive country, it will of course be expected that the climate is not the same in all its parts. It is remarkable that, proceeding on the same parallel of latitude westwardly, the climate becomes colder in like manner as when you proceed northwardly. This continues to be the case till you attain the summit of the Alleghaney, which is the highest land between the ocean and the Mississippi. From thence, descending in the same latitude to the Mississippi, the change reverses; and, if we may believe travellers, it becomes warmer there than it is in the same latitude on the sea side. Their testimony is strengthened by the vegetables and animals which

* See a Note at the end of the Work.

subsist and multiply there naturally, and do not on our sea coast. Thus Catalpas grow spontaneously on the Missisipi, as far as the latitude of 37° . and reeds as far as 38° . Perroquets even winter on the Sioto, in the 39th degree of latitude. In the summer of 1779, when the thermometer was at 90° . at Monticello, and 96 at Williamsburgh, it was 110° . at Kaskaskia. Perhaps the mountain, which overhangs this village on the North side, may, by its reflexion, have contributed somewhat to produce this heat. The difference of temperature of the air at the sea coast, or on Chesapeak bay, and at the Alleghaney, has not been ascertained; but cotemporary observations, made at Williamsburg, or in its neighbourhood, and at Monticello, which is on the most eastern ridge of mountains, called the South West, where they are intersected by the Rivanna, have furnished a ratio by which that difference may in some degree be conjectured. These observations make the difference between Williamsburg and the nearest mountains, at the position before mentioned, to be on an average $6\frac{1}{2}$ degrees of Farenheit's thermometer. Some allowance however is to be made for the difference of

latitude between these two places, the latter being $38^{\circ}. 8'. 17''$. which is $52'. 22''$. North of the former. By cotemporary observations of between five and six weeks, the averaged and almost unvaried difference of the height of mercury in the barometer, at those two places, was .784 of an inch, the atmosphere at Monticello being so much the lightest, that is so say about $\frac{1}{17}$ of its whole weight. It should be observed, however, that the hill of Monticello is of 500 feet perpendicular height above the river which washes its base. This position being nearly central between our northern and southern boundaries, and between the bay and Alleghaney, may be considered as furnishing the best average of the temperature of our climate. Williamsburgh is much too near the South eastern corner to give a fair idea of our general temperature.

But a more remarkable difference is in the winds which prevail in the different parts of the country. The following table exhibits a comparative view of the winds prevailing at Williamsburgh, and at Monticello. It is formed by reducing nine months observations at Monticello to four principal points, to wit,

the
No
lar
and
ner
wit
at
from

V
M

E
win
the
win
west
fain
to f
Nor
that
chry
it b
pres
dry,
easte
gene

the North-east, South-east, South-west, and North-west; these points being perpendicular to, or parallel with our coast, mountains and rivers: and by reducing, in like manner, an equal number of observations, to wit, 421. from the preceding table of winds at Williamsburg, taking them proportionably from every point.

	N. E.	S. E.	S. W.	N. W.	Total.
Williamsburg	127	61	132	101	421
Monticello	32	91	126	172	421

By this it may be seen that the South-west wind prevails equally at both places; that the North-east is, next to this, the principal wind towards the sea coast, and the North-west is the predominant wind at the mountains. The difference between these two winds to sensation, and in fact, is very great. The North-east is loaded with vapour, insomuch that the salt makers have found that their chrystals would not shoot while that blows; it brings a distressing chill, is heavy and oppressive to the spirits: the North-west is dry, cooling, elastic and animating. The eastern and South-eastern breezes come on generally in the Afternoon. They have ad-

vanced into the country very sensibly within the memory of people now living. They formerly did not penetrate far above Williamsburg. They are now frequent at Richmond, and every now and then reach the mountains. They deposit most of their moisture however before they get that far. As the lands become more cleared, it is probable they will extend still further westward.

Going out into the open air, in the temperate, and in the warm months of the year, we often meet with bodies of warm air, which, passing by us in two or three seconds, do not afford time to the most sensible thermometer to seize their temperature. Judging from my feelings only, I think they approach the ordinary heat of the human body. Some of them perhaps go a little beyond it. They are of about 20 or 30 feet diameter horizontally. Of their height we have no experience; but probably they are globular volumes wafted or rolled along with the wind. But whence taken, where found, or how generated? They are not to be ascribed to Volcanos, because we have none. They do not happen in the winter when the farmers kindle large fires in clearing up their grounds,

Th
wh
con
fall
fre
den
be
us
circ
wan
and
mo
dle
hav
T
phen
equa
twel
the
diffe
mon
cury
were
bein
obse
it has
serva

They are not confined to the spring season, when we have fires which traverse whole countries, consuming the leaves which have fallen from the trees. And they are too frequent and general to be ascribed to accidental fires. I am persuaded their cause must be sought for in the atmosphere itself; to aid us in which I know but of these constant circumstances; a dry air; a temperature as warm at least as that of the spring or autumn; and a moderate current of wind. They are most frequent about sun-set; rare in the middle parts of the day; and I do not recollect having ever met with them in the morning.

The variation in the weight of our atmosphere, as indicated by the barometer, is not equal to two inches of mercury. During twelve months observation at Williamsburg, the extremes were 29, and 30.86 inches, the difference being 1.86 of an inch: and in nine months, during which the height of the mercury was noted at Monticello, the extremes were 28.48 and 29.69 inches, the variation being 1.21 of an inch. A gentleman, who has observed his barometer many years, assures me it has never varied two inches. Cotemporary observations, made at Monticello and Williams-

burg, proved the variations in the weight of air to be simultaneous and corresponding in these two places.

Our changes from heat to cold, and cold to heat, are very sudden and great. The mercury in Farenheit's thermometer has been known to descend from 92° . to 47° . in thirteen hours.

It is taken for granted, that the preceding table of averaged heat will not give a false idea on this subject, as it proposes to state only the ordinary heat and cold of each month, and not those which are extraordinary. At Williamsburgh in August 1766, the mercury in Farenheit's thermometer was at 98° . corresponding with $29 \frac{1}{3}$ of Réaumur. At the same place in January 1780, it was at 6° . corresponding with $11 \frac{1}{3}$ below 0. of Réaumur. I believe * these may be considered to be nearly the extremes of heat and cold

* At Paris in 1753 the mercury in Réaumur's thermometer was at $30 \frac{1}{2}$ above 0, and in 1776 it was at 16 below 0. The extremities of heat and cold therefore at Paris, are greater than at Williamsburg, which is in the hottest part of Virginia.

in that part of the country. The latter may most certainly, as, at that time, York river, at York town, was frozen over, so that people walked across it; a circumstance which proves it to have been colder than the winter of 1740, 1741, usually called the cold winter, when York river did not freeze over at that place. In the same season of 1780, Chesapeake bay was solid, from its head to the mouth of Patowmac. At Annapolis, where it is $5\frac{1}{4}$ miles over between the nearest points of land, the ice was from 5 to 7 inches thick quite across, so that loaded carriages went over on it. Those, our extremes of heat and cold, of 6° . and 98° . were indeed very distressing to us, and were thought to put the extent of the human constitution to considerable trial. Yet a Siberian would have considered them as scarcely a sensible variation. At Jenniseitz in that country, in latitude 58° . $27'$. we are told that the cold in 1735 sunk the mercury by Fahrenheit's scale to 126° . below nothing; and the inhabitants of the same country use stove rooms two or three times a week, in which they stay two hours at a time, the atmosphere of which raises the mercury to 135° . above nothing.

Late experiments shew that the human body will exist in rooms heated to 140° . of Reaumur, equal to 347° . of Farenheit, and 135° . above boiling water. The hottest point of the 24 hours is about four o'clock, P. M. and the dawn of day the coldest.

The access of frost in autumn, and its recess in the spring, do not seem to depend merely on the degree of cold; much less on the air's being at the freezing point. White frosts are frequent when the thermometer is at 47° . have killed young plants of Indian corn at 48° . and have been known at 54° . Black frost, and even ice, have been produced at $38\frac{1}{2}^{\circ}$. which is $6\frac{1}{2}$ degrees above the freezing point. That other circumstances must be combined with the cold to produce frost, is evident from this also, that on the higher parts of mountains, where it is absolutely colder than in the plains on which they stand, frosts do not appear so early by a considerable space of time in autumn, and go off sooner in the spring, than in the plains. I have known frosts so severe as to kill the hickory trees round about Monticello, and yet not injure the tender fruit blossoms then in bloom on the top and higher parts of the

mountain; and in the course of 40 years, during which it has been settled, there have been but two instances of a general loss of fruit on it: while, in the circumjacent country, the fruit has escaped but twice in the last seven years. The plants of tobacco, which grow from the roots of those which have been cut off in the summer, are frequently green here at Christmas. This privilege against the frost is undoubtedly combined with the want of dew on the mountains. That the dew is very rare on their higher parts, I may say with certainty, from 12 years observations, having scarcely ever, during that time, seen an unequivocal proof of its existence on them at all during summer. Severe frosts in the depth of winter prove that the region of dews extends higher in that season than the tops of the mountains: but certainly, in the summer season, the vapours, by the time they attain that height, are become so attenuated as not to subside and form a dew when the sun retires.

The weevil has not yet ascended the high mountains.

A more satisfactory estimate of our climate to some, may perhaps be formed, by noting

the plants which grow here, subject however to be killed by our severest colds. These are the fig, pomegranate, artichoke, and European walnut. In mild winters, lettuce and endive require no shelter; but generally they need a slight covering. I do not know that the want of long moss, reed, myrtle, swamp laurel, holly and cypress, in the upper country, proceeds from a greater degree of cold, nor that they were ever killed with any degree of cold in the lower country. The aloe lived in Williamsburg in the open air through the severe winter of 1779, 1780.

A change in our climate however is taking place very sensibly. Both heats and colds are become much more moderate within the memory even of the middle aged. Snows are less frequent and less deep. They do not often lie, below the mountains, more than one, two, or three days, and very rarely a week. They are remembered to have been formerly frequent, deep, and of long continuance. The elderly inform me the earth used to be covered with snow about three months in every year. The rivers, which then seldom failed to freeze over in the course of the winter, scarcely ever do so now. This

change has produced an unfortunate fluctuation between heat and cold, in the spring of the year, which is very fatal to fruits. From the year 1741 to 1769, an interval of twenty-eight years, there was no instance of fruit killed by the frost in the neighbourhood of Monticello. An intense cold, produced by constant snows, kept the buds locked up till the sun could obtain in the spring of the year so fixed an ascendancy as to dissolve those snows, and protect the buds during their developement from every danger of returning cold. The accumulated snows of the winter remaining to be dissolved all together in the spring, produced those overflowings of our rivers, so frequent then, and so rare now.

Having had occasion to mention the particular situation of Monticello for other purposes, I will just take notice that its elevation affords an opportunity of seeing a phenomenon which is rare at land, though frequent at sea. The seamen call it *looming*. Philosophy is as yet in the rear of the seamen, for so far from having accounted for it, she has not given it a name. Its principal effect is to make distant objects appear

larger, in opposition to the general law of vision, by which they are diminished. I knew an instance, at York town, from whence the water prospect eastwardly is without termination, wherein a canoe with three men, at a great distance, was taken for a ship with its three masts. I am little acquainted with the phænomenon as it shews itself at sea; but at Monticello it is familiar. There is a solitary mountain about 40 miles off, in the South, whose natural shape, as presented to view there, is a regular cone; but, by the effect of looming, it sometimes subsides almost totally into the horizon; sometimes it rises more acute and more elevated; sometimes it is hemispherical; and sometimes its sides are perpendicular, its top flat, and as broad as its base. In short it assumes at times the most whimsical shapes, and all these perhaps successively in the same morning. The Blue ridge of mountains comes into view, in the North East, at about 100 miles distance, and, approaching in a direct line, passes by within 20 miles, and goes off to the South-West. This phænomenon begins to shew itself on these mountains, at about 50 miles distance, and continues beyond that as far as

they are seen. I remark no particular state, either in the weight, moisture, or heat of the atmosphere, necessary to produce this. The only constant circumstances are, its appearance in the morning only, and on objects at least 40 or 50 miles distant. In this latter circumstance, if not in both, it differs from the looming on the water. Refraction will not account for this metamorphosis. That only changes the proportions of length and breadth, base and altitude, preserving the general outlines. Thus it may make a circle appear elliptical, raise or depress a cone, but by none of its laws, as yet developed, will it make a circle appear a square, or a cone a sphere.

Q U E R Y VIII.

THE number of its inhabitants?

Population

The following table shews the number of persons imported for the establishment of our colony in its infant state, and the census of inhabitants at different periods, extracted from our historians and public records, as particularly as I have had opportunities and leisure to exa-

mine them. Successive lines in the same year

Years	Settlers im- ported.	Census of Inhabitants.	Census of Tythes.
1607	100		
		40	
	120		
1608		130	
	70		
1609		490	
	16		
		60	
1610	150		
		200	
1611	3 ship loads		
	300		
1612	80		
1617		400	
1618	200		
	40		
		600	
1619	1216		
1621	1300		
1622		3800	
		2500	
1628		3000	
1632			2000
1644			4822
1645			5000
1652			7000
1654			7209
1700			22,000
1748			82,100
1759			105,000
1772			153,000
1782		567,614	

show successive periods of time in that year. I have stated the census in 2 different columns, the whole inhabitants having been sometimes numbered, and sometimes the *tythes* only. This term, with us, includes the free males above 16 years of age, and slaves above that age of both sexes. A further examination of our records would render this his-

tory of our population much more satisfactory and perfect, by furnishing a greater number of intermediate terms. Those however which are here stated will enable us to calculate, with a considerable degree of precision, the rate at which we have increased. During the infancy of the colony, while numbers were small, wars, importations, and other accidental circumstances render the progression fluctuating and irregular. By the year 1654, however, it becomes tolerably uniform, importations having in a great measure ceased from the dissolution of the company, and the inhabitants become too numerous to be sensibly affected by Indian wars. Beginning at that period, therefore, we find that from thence to the year 1772, our tythes had increased from 7209 to 153,000. The whole term being of 118 years, yields a duplication once in every $27\frac{1}{4}$ years. The intermediate enumerations taken in 1700, 1748 and 1759, furnish proofs of the uniformity of this progression. Should this rate of increase continue, we shall have between six and seven millions of inhabitants within 95 years. If we suppose our country to be

bounded, at some future day, by the meridian of the mouth of the Great Kan-haway (within which it has been before conjectured, are 64,491 square miles) there will then be 100 inhabitants for every square mile, which is nearly the state of population in the British islands.

Here I will beg leave to propose a doubt. The present desire of America is to produce rapid population by as great importations of foreigners as possible. But is this founded in good policy? The advantage proposed is the multiplication of numbers. Now let us suppose (for example only) that, in this state, we could double our numbers in one year by the importation of foreigners; and this is a greater accession than the most sanguine advocate for immigration has a right to expect. Then I say, beginning with a double stock, we shall attain any given degree of population only 27 years and 3 months sooner than if we proceed on our single stock. If we propose four millions and a half as a competent population for this state, we should be $54\frac{1}{2}$ years attaining it, could we at once double our numbers; and $81\frac{1}{4}$ years,

if we rely on natural propagation, as may be seen by the following table.

	Proceeding on our present stock.	Proceeding on a double stock.
1781	567,614	1,135,228
1808 $\frac{1}{4}$	1,135,228	2,270,456
1835 $\frac{1}{2}$	2,270,456	4,540,912
1862 $\frac{3}{4}$	4,540,912	

In the first column are stated periods of $27\frac{1}{4}$ years; in the second are our numbers, at each period, as they will be if we proceed on our actual stock; and in the third are what they would be, at the same periods, were we to set out from the double of our present stock. I have taken the term of four millions and a half of inhabitants for example's sake only. Yet I am persuaded it is a greater number than the country spoken of, considering how much inarable land it contains, can clothe and feed, without a material change in the quality of their diet. But are there no inconveniences to be thrown into the scale against the advantage expected from a multiplication of numbers by the importation of foreigners?

It is for the happiness of those united in society to harmonize as much as possible in matters which they must of necessity transact together. Civil government being the sole object of forming societies, its administration must be conducted by common consent. Every species of government has its specific principles. Ours perhaps are more peculiar than those of any other in the universe. It is a composition of the freest principles of the English constitution, with others derived from natural right and natural reason. To these nothing can be more opposed than the maxims of absolute monarchies. Yet, from such, we are to expect the greatest number of emigrants. They will bring with them the principles of the governments they leave, imbibed in their early youth; or, if able to throw them off, it will be in exchange for an unbounded licentiousness, passing, as is usual, from one extreme to another. It would be a miracle were they to stop precisely at the point of temperate liberty. These principles, with their language, they will transmit to their children. In proportion to their numbers they will share with us the legislation. They will infuse into it

their spirit, warp and bias its direction, and render it a heterogeneous, incoherent, distracted mass. I may appeal to experience during the present contest, for a verification of these conjectures. But, if they be not certain in event, are they not possible, are they not probable? Is it not safer to wait with patience 27 years and three months longer, for the attainment of any degree of population desired, or expected? May not our government be more homogeneous, more peaceable, more durable? Suppose 20 millions of republican Americans thrown all of a sudden into France; what would be the condition of that kingdom? If it would be more turbulent, less happy, less strong, we may believe that the addition of half a million of foreigners to our present numbers would produce a similar effect here. If they come of themselves, they are entitled to all the rights of citizenship: but I doubt the expediency of inviting them by extraordinary encouragements. I mean not that these doubts should be extended to the importation of useful artificers. The policy of that measure depends on very different considerations. Spare no expence in obtaining them. They

will after a while go to the plough and the hoe; but, in the mean time, they will teach us something we do not know. It is not so in agriculture. The indifferent state of that among us does not proceed from a want of knowledge merely; it is from our having such quantities of land to waste as we please. In Europe the object is to make the most of their land, labour being abundant: here it is to make the most of our labour, land being abundant.

It will be proper to explain how the numbers for the year 1782 have been obtained; as it was not from a perfect census of the inhabitants. It will at the same time develope the proportion between the free inhabitants and slaves. The following return of taxable articles for that year was given in.

53,289 free males above 21 years of age.
 211,698 slaves of all ages and sexes.
 23,766 not distinguished in the returns,
 but said to be titheable slaves.
 195,439 horses.
 609,734 cattle.
 5,126 wheels of riding carriages.
 191 taverns.

There were no returns from the 8 counties of Lincoln, Jefferson, Fayette, Monongalia, Yohogania, Ohio, Northampton and York. To find the number of slaves which should have been returned instead of the 23,766 titheables, we must mention that some observations on a former census had given reason to believe that the numbers above and below 16 years of age were equal. The double of this number therefore, to wit, 47,532 must be added to 211,698, which will give us 259,230 slaves of all ages and sexes. To find the number of free inhabitants, we must repeat the observation that those above and below 16 are nearly equal. But as the number 53,289 omits the males between 16 and 21 we must supply them from conjecture. On a former experiment it had appeared that about one third of our militia, that is of the males between 16 and 50, were unmarried. Knowing how early marriage takes place here, we shall not be far wrong in supposing that the unmarried part of our militia are those between 16 and 21. If there be young men who do not marry till after 21, there are as many who marry

before that age. But as the men above 50 were not included in the militia, we will suppose the unmarried, or those between 16 and 21, to be one fourth of the whole number above 16, then we have the following calculation :

53,289 free males above 21 years of age.

17,763 free males between 16 and 21.

71,052 free males under 16.

142,104 free females of all ages.

284,208 free inhabitants of all ages.

259,230 slaves of all ages.

543,438 inhabitants exclusive of the 8 counties from which were no returns. In these 8 counties in the years 1779 and 1780 were 3161 militia. Say then,

3,161 free males above the age of 16.

3,161 ditto under 16.

6,322 free females.

12,644 free inhabitants in these 8 counties. To find the number of slaves, say, as 284,208 to 259,230, so is 12,644 to 11,532. Adding the third of these numbers to the first, and the fourth to the second, we have,

296,852 free inhabitants.

270,762 slaves

567,614 inhabitants of every age, sex, and condition. But 296,852, the number of free inhabitants, are to 270,762, the number of slaves, nearly as 11 to 10. Under the mild treatment our slaves experience, and their wholesome though coarse food, this blot in our country increases as fast or faster than the whites. During the regal government we had at one time obtained a law which imposed such a duty on the importation of slaves, as amounted nearly to a prohibition, when one inconsiderate assembly, placed under a peculiarity of circumstance, repealed the law. This repeal met a joyful sanction from the then sovereign, and no devices, no expedients, which could ever after be attempted by subsequent assemblies, and they seldom met without attempting them, could succeed in getting the royal assent to a renewal of the duty. In the very first session held under the republican government, the assembly passed a law for the perpetual prohibition of the importation of slaves. This

Will in some measure stop the increase of this great political and moral evil, while the minds of our citizens may be ripening for a complete emancipation of human nature.

Q U E R Y IX.

Military.

THE number and condition of the militia and regular troops, and their pay?

The following is a state of the militia, taken from returns of 1780 and 1781, except in those counties marked with an asterisk, the returns from which are somewhat older.

Situation.	Counties.	Militia	Situation.	Counties.	Militia
Westward of the Allegany. 4458.	Lincoln	600	Between James river and Carolina. 6959.	Greensville	500
	Jefferson	300		Dinwiddie	*750
	Fayette	156		Chesterfield	655
	Ohio			Prince George	382
	Monongalia	*1000		Surry	380
	Washington	*829		Suffex	*700
	Montgomery	1071		Southampton	874
	Green-briar	502		Isle of Wight	*600
Between the Alle-gany & Blue ridge. 7673.	Hampshire	930	Between James & York rivers. 3009.	Nansemond	*644
	Berkeley	*1100		Norfolk	*880
	Frederick	1143		Princess Anne	*594
	Shenando	*925		Henrico	619
	Rockingham	875		Hanover	796
	Augusta	1375		New Kent	*418
	Rockbridge	*625		Charles City	286
	Botetourt	*700		James City	235
Between the Blue ridge and Tide waters. 18,828.	Loudoun	1746	ON THE TIDE WATERS AND IN THAT PARALLEL. 19,012.	Williamsburg	129
	Fauquier	1078		York	*244
	Culpeper	1513		Warwick	*100
	Sportsylvania	480		Elizabeth City	182
	Orange	*600		Caroline	805
	Louisa	603		King William	436
	Goochland	*550		King & Queen	500
	Fluvanna	*296		Essex	468
	Albemarle	873		Middlesex	*210
	Amherst	896		Gloucester	850
	Buckingham	*625		Fairfax	652
	Bedford	1300		Prince William	614
	Henry	1004		Stafford	*500
	Pittsylvania	*725		King George	483
	Halifax	*1139		Richmond	412
	Charlotte	612		Westmoreland	544
	Prince Edward	589		Northumberl.	630
	Cumberland	408		Lancaster	302
	Powhatan	330		Accomac	*1208
	Amelia	*1125		Northampton	*430
	Lunenburg	677	Whole Militia of the State		49,971
	Mecklenburg	1100			
	Brunswic	559			

Every able bodied freeman between the ages of 16 and 50 is enrolled in the militia. Those of every county are formed into companies, and these again into one or more battalions, according to the numbers in the county. They are commanded by colonels, and other subordinate officers, as in the regular service. In every county is a county-Lieutenant, who commands the whole militia of his county, but ranks only as a Colonel in the field. We have no general officers always existing. These are appointed occasionally, when an invasion or insurrection happens, and their commission determines with the occasion. The governor is head of the military, as well as civil power. The law requires every militia man to provide himself with the arms usual in the regular service. But this injunction was always indifferently complied with, and the arms they had have been so frequently called for to arm the regulars, that in the lower parts of the country they are entirely disarmed. In the middle country a fourth or fifth part of them may have such firelocks as they had provided to destroy the noxious animals which infest their farms; and on the

Western side of the Blue ridge they are generally armed with rifles. The pay of our militia, as well as of our regulars, is that of the Continental regulars. The condition of our regulars, of whom we have none but Continentals, and part of a battalion of state troops, is so constantly on the change, that a state of it at this day would not be its state a month hence. It is much the same with the condition of the other Continental troops, which is well enough known.

Q U E R Y X.

THE marine?

Marine.

Before the present invasion of this state by the British under the command of General Phillips, we had three vessels of 16 guns, one of 14, five small galleys, and two or three armed boats. They were generally so illy manned as seldom to be in condition for service. Since the perfect possession of our rivers assumed by the enemy, I believe we are left with a single armed boat only.

Q U E R Y X I.

Aborigines A Description of the Indians established in that state?

When the first effectual settlement of our colony was made, which was in 1607, the country from the sea coast to the mountains, and from Patowmac to the most southern waters of James river, was occupied by upwards of forty different tribes of Indians. Of these the *Powhatans*, the *Mannahoacs*, and *Monacans* were the most powerful. Those between the sea coast and falls of the rivers, were in amity with one another, and attached to the *Powhatans* as their link of union. Those between the falls of the rivers and the mountains, were divided into two confederacies; the tribes inhabiting the head waters of Patowmack and Rappahanoc being attached to the *Mannahoacs*; and those on the upper parts of James river to the *Monacans*. But the *Monacans* and their friends were in amity with the *Mannahoacs* and their friends, and waged joint and perpetual war against

the *Powhatans*. We are told that the *Powhatans*, *Mannahoacs* and *Monacans* spoke languages so radically different, that interpreters were necessary when they transacted business. Hence we may conjecture that this was not the case between all the tribes, and probably that each spoke the language of the nation to which it was attached; which we know to have been the case in many particular instances. Very possibly there may have been originally three different stocks, each of which multiplying in a long course of time had separated into so many little societies, the principles of their government being so weak as to give this liberty to all its members.

The territories of the *Powhatan* confederacy South of the *Patowmac* comprehended about 8000 square miles, 30 tribes, and 2400 warriors. Capt. Smith tells us that within 60 miles of James town, were 5000 people, of whom 1500 were warriors. From this we find the proportion of their warriors to their whole inhabitants, was as 3 to 10. The *Powhatan* confederacy then would consist of about 8000 inhabitants, which was one for every square

mile; being about the twentieth part of our present population in the same territory, and the hundredth of that of the British islands.

Besides these, were the *Abenaki* on Nottoway river, the *Meherrins* and *Tutelo* on Meherrin river, who were connected with the Indians of Carolina, probably with the *Chowanocs*.

TO the citizens of the Commonwealth of Virginia, and all others whom it may concern, the Delegates for the said Commonwealth in Convention assembled, send greeting.

It is known to you and to the world, that the Government of Great Britain, and the American States were not long since connected, and that they were formerly unwarrantable and oppressive; that they endeavored to enforce this authority by arms, and that the States of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, confederating together, with all their united forces, as a better and more effectual remedy, closed in the appeal to arms. In this appeal, the Government of Great Britain, and the American States, were not only rejected for ever all dependence on a Government which had shown itself to be capable of abusing the trust reposed in it; and to obtain from that Government a return of the rights acknowledged that they were free, sovereign, and independent States. During the progress of this war, through which we had to labour for the establishment of our rights, the Legislature of the Commonwealth of Virginia, found it necessary to make a temporary organization of Government for preventing and punishing our efforts to the two important objects of war.

The present General Assembly shall continue till the
and day after the last Monday of November in this pre-
sent year. On the said last Monday of November in
this present year, the several counties shall, by their
electors qualified as provided by this constitution, elect
delegates, which for the present shall be in number
one for every
hundred to the last returns in possession of the gover-
nor, and shall also elect judicial electors in propor-
tion thereto, which judicial electors shall meet on the
fourth day after the day of their election, at the Court
house of that county of their present district, which
would stand first in an alphabetical arrangement of their
counties, and shall elect judges in the proportion
fixed by this constitution. The elections and returns
shall be conducted, in all circumstances not hereby par-
ticularly prescribed, by the same persons and under the
same forms as prescribed by the present laws in elec-
tions of Senators and Delegates of Assembly. The said
Senators and Delegates shall constitute the first General
Assembly of the new government, and shall specially
apply themselves to the procuring an exact return from
every county of the number of its qualified electors,
and to the settlement of the number of Delegates to
be elected for the ensuing General Assembly.
Between the first and second sessions, continuing in office to the
end of the term for which he was elected.
and All other officers of every kind shall continue in office
until their successors shall be appointed, when their appointments been
under this constitution, and new ones, where new are
hereby called for, shall be appointed by the authority to
be provided in the constitution. One of the pre-
siding judges of the General Court, its continuing members,
and shall by joint ballot of the members of assembly, at their
annual meeting be returned to the High Court of

NORTH

NORTH

M A N N A H O A C				P O W H A T A N H W O				P O W H A T A N H W O					
	T R I B E S.	C O U N T R Y.	C H I E F T O W N	WARRIORS:		T R I B E S.	C O U N T R Y.	C H I E F T O W N	WARRIORS:		T R I B E S.	WARRIORS:	
				1607	1669				1607	1669		1607	1669
Between PATOWMAC and RAPPAHANOC.	Whonkenties	Fauquier				Tauxenents	Fairfax	About General Washington's	40		{ By the name of Mar- chotics, U. Matchodic, Nanzaticos, Nanzatico, Appamatoc, Matoc. by the name of Totuskeys		
	Tegninaties	Culpeper				Patowomekes	Stafford, King George	Patowinac creek	40				
	Ontponies	Orange				Cuttatawomans	King George	About Lamb creek	40				
	Tauxitanians	Fauquier				Pissafes	King Geo. Richmond	Above Lees town	40				
	Hassinungaes	Culpeper				Onaumanties	Westmoreland	Nomony river	40				
Between RAPPAHANOC and YORK.	Stegarakies	Orange				Rappahanocs	Richmond county	Rappahanoc creek	40				
	Shackakonies	Spotsylvania				Moraughtacunds	Lancaster, Richmond	Moratico river	40				
	Mannahoacs	Stafford Spotsylvania				Secacaonies	Northumberland	Coan river	40				
						Wighcocomicoes	Northumberland	Wicocomico river	40				
						Cuttatawomans	Lancaster	Cerotoman	40				
M O N A C A N						Nantaughtacunds	Effex, Caroline	Port tobacco creek	40				
Between YORK and JAMES.	Monacans	James R. above the falls	Fork of James R.	30		Mattapoments	Mattaponi river		40				
	Monaficcapanoes	Louisa, Fluvanna				Pamunkies	King William	Romuncoc	40				
						Werowocomicos	Gloucester	About Roswell	40				
						Payankatanks	Piankatank river	Turk's Ferry, Grimesby	40				
						Youghtanunds	Pamunkey river		40				
Between JAMES and CAROLINA.	Monahaffanoes	Bedford, Buckingham				Chickahominyes	Chickahominy river	Orapaks	40				
	Maffinacacs	Cumberland				Powhatan	Henrico	Powhatan Mayo's	40				
	Mohemenchoes	Powhatan				Arrowhatocs	Henrico	Arrohatocs	40				
						Weanocs	Charles city	Weynoke	40				
						Paspahèghes	Charles city, James city	Sandy point	40				
EASTERN SHORE.						Chiskiaks	York	Chiskiac	40				
						Kecoughtans	Elizabeth city	Roscows	40				
						Appamatocs	Chesterfield	Bermuda hundred	40				
						Quiocohanocs	Surry	About Upper Chipocak	40				
						Warrasqueacs	Isle of Wight	Warrasqueac	40				
					Nanfamonds	Nanfamond	About the mouth of West, branch	40					
					Chesapeaks	Princess Anne	About Lynhaven river	40					
					Accohanocs	Accom. Northampton	Accohanoc river	40					
					Accomacks	Northampton	About Cheriton's	40					

This Table to be placed between pages 168 and 169.

SOUTH

SOUTH

The preceding table contains a state of these several tribes, according to their confederacies and geographical situation, with their numbers when we first became acquainted with them, where these numbers are known. The numbers of some of them are again stated as they were in the year 1669, when an attempt was made by the assembly to enumerate them. Probably the enumeration is imperfect, and in some measure conjectural, and that a further search into the records would furnish many more particulars. What would be the melancholy sequel of their history, may however be augured from the census of 1669; by which we discover that the tribes therein enumerated were, in the space of 62 years, reduced to about one third of their former numbers. Spirituous liquors, the small pox, war, and an abridgment of territory, to a people who lived principally on the spontaneous productions of nature, had committed terrible havock among them, which generation, under the obstacles opposed to it among them, was not likely to make good. That the lands of this country were taken from them by conquest, is not so general a truth as is supposed. I

find in our historians and records, repeated proofs of purchase, which cover a considerable part of the lower country; and many more would doubtless be found, on further search. The upper country we know has been acquired altogether by purchases made in the most unexceptionable form.

Westward of all these tribes, beyond the mountains, and extending to the great lakes, were the *Massawòmecs*, a most powerful confederacy, who harrassed unremittingly the *Powhatàns* and *Manahàcs*. These were probably the ancestors of the tribes known at present by the name of the *Six nations*.

Very little can now be discovered of the subsequent history of these tribes severally. The *Chickahòminies* removed, about the year 1661 to Mattapony river. Their chief, with one from each of the tribes of the Pamunkies and Mattaponies, attended the treaty of Albany in 1685. This seems to have been the last chapter in their history. They retained however their separate name so late as 1705, and were at length blended with the Pamunkies and Mattaponies, and exist at present only under their names. There remain of the *Mattaponies* three or four men only, and

they
them
reduc
about
river
time
from
The
12 m
other
prefer
which
we k
have
Pamu
that a
toward
consti
are f
ton c
early
and
kept
the
appo
their
and

they have more negro than Indian blood in them. They have lost their language, have reduced themselves, by voluntary sales, to about fifty acres of land, which lie on the river of their own name, and have, from time to time, been joining the Pamunkies, from whom they are distant but 10 miles. The *Pamunkies* are reduced to about 10 or 12 men tolerably pure from mixture with other colours. The older ones among them preserve their language in a small degree, which are the last vestiges on earth, as far as we know, of the Powhatan language. They have about 300 acres of very fertile land, on Pamunkey river, so encompassed by water that a gate shuts in the whole. Of the *Nottoways*, not a male is left. A few women constitute the remains of that tribe. They are seated on Nottoway river, in Southampton county, on very fertile lands. At a very early period, certain lands were marked out and appropriated to these tribes, and were kept from encroachment by the authority of the laws. They have usually had trustees appointed, whose duty was to watch over their interests, and guard them from insult and injury.

The *Mònacans* and their friends, better known latterly by the name of *Tuscaròras*, were probably connected with the *Massawòmecs* or Five nations. For though we are * told their languages were so different that the intervention of interpreters was necessary between them, yet do we also † learn that the *Erigas*, a nation formerly inhabiting on the Ohio, were of the same original stock with the Five nations, und that they partook also of the *Tuscaròra* language. Their dialects might, by long separation, have become so unlike as to be unintelligible to one another. We know that in 1712, the Five nations received the *Tuscaròras* into their confederacy, and made them the Sixth nation. They received the *Meherrins* and *Tuteloës* also into their protection: and it is most probable that the remains of many other of the tribes, of whom we find no particular account, retired westwardly in like manner, and were incorporated with one or other of the western tribes. (5)

* Smith.

† Evans.

I know
dian mo
that nam
pipes, an
the larg
as respo
for the
be the
found a
different
earth, an
repositor
to all: h
struited,
thought
have fal
intermen
tom, fail
collectin
their dea
of death
general
have be
this opi
the lan
construc
softest a

I know of no such thing existing as an Indian monument : for I would not honour with that name arrow points, stone hatchets, stone pipes, and half shapen images. Of labour on the large scale, I think there is no remain as respectable as would be a common ditch for the draining of lands : unless indeed it be the Barrows, of which many are to be found all over this country. These are of different sizes, some of them constructed of earth, and some of loose stones. That they were repositories of the dead, has been obvious to all : but on what particular occasion constructed, was matter of doubt. Some have thought they covered the bones of those who have fallen in battles fought on the spot of interment. Some ascribed them to the custom, said to prevail among the Indians, of collecting, at certain periods, the bones of all their dead, wheresoever deposited at the time of death. Others again supposed them the general sepulchres for towns conjectured to have been on or near these grounds ; and this opinion was supported by the quality of the lands in which they are found, (those constructed of earth being generally in the softest and most fertile meadow grounds on

river sides) and by a tradition, said to be handed down from the Aboriginal Indians, that, when they settled in a town, the first person who died was placed erect and earth put about him, so as to cover and support him; that, when another died, a narrow passage was dug to the first, the second reclined against him, and the cover of earth replaced, and so on. There being one of these in my neighbourhood, I wished to satisfy myself whether any, and which of these opinions were just. For this purpose I determined to open and examine it thoroughly. It was situated on the low grounds of the Rivanna, about two miles above its principal fork, and opposite to some hills on which had been an Indian town. It was of a spheroidical form, of about 40 feet diameter at the base, and had been of about twelve feet altitude, though now reduced by the plough to seven and a half, having been under cultivation about a dozen years. Before this it was covered with trees of twelve inches diameter, and round the base was an excavation of five feet depth and width, from whence the earth had been taken of which the hillock

was for
parts
bones
to the
lying
cal, for
rected
gled,
earth.
found
bones
many
lying
top of
the id
a bag
witho
bones
ed, w
of the
few r
neck
one in

was formed. I first dug superficially in several parts of it, and came to collections of human bones, at different depths, from six inches to three feet below the surface. These were lying in the utmost confusion, some vertical, some oblique, some horizontal, and directed to every point of the compass, entangled, and held together in clusters by the earth. Bones of the most distant parts were found together, as, for instance, the small bones of the foot in the hollow of a scull, many sculls would sometimes be in contact, lying on the face, on the side, on the back, top or bottom, so as, on the whole, to give the idea of bones emptied promiscuously from a bag or basket, and covered over with earth, without any attention to their order. The bones of which the greatest numbers remained, were sculls, jaw bones, teeth, the bones of the arms, thighs, legs, feet and hands. A few ribs remained, some vertebrae of the neck and spine, without their processes, and one instance only of the * bone which serves

* The os sacrum.

as a base to the vertebral column. The skulls were so tender that they generally fell to pieces, on being touched. The other bones were stronger. There were some teeth which were judged to be smaller than those of an adult; a skull which on a slight view appeared to be that of an infant, but it fell to pieces on being taken out so as to prevent satisfactory examination; a rib, and a fragment of the under jaw, of a person about half grown; another rib of an infant; and part of the jaw of a child which had not yet cut its teeth. This last furnishing the most decisive proof of the burial of children here, I was particular in my attention to it. It was part of the right half of the under jaw. The processes, by which it was articulated to the temporal bone, were entire; and the bone itself firm to where it had been broken off, which, as nearly as I could judge, was about the place of the eye tooth. Its upper edge, wherein would have been the sockets of the teeth, was perfectly smooth. Measuring it with that of an adult, by placing their hinder processes together, its broken end extended to the penultimate grinder of the adult. This bone was white, all the others
of

of a sand colour. The bones of infants being soft, they probably decay sooner, which might be the cause so few were found here. I proceeded then to make a perpendicular cut through the body of the barrow, that I might examine its internal structure. This passed about three feet from its center, was opened to the former surface of the earth, and was wide enough for a man to walk through and examine its sides. At the bottom, that is on the level of the circumjacent plain, I found bones; above these a few stones brought from a cliff a quarter of a mile off, and from the river one eighth of a mile off; then a large interval of earth, then a stratum of bones, and so on. At one end of the section were four strata of bones plainly distinguishable; at the other, three; the strata in one part not ranging with those in another. The bones nearest the surface were least decayed. No holes were discovered in any of them, as if made with bullets, arrows, or other weapons. I conjectured that in this barrow might have been a thousand skeletons. Every one will readily seize the circumstances above related, which militate against the opinion that it covered the bones

only of persons fallen in battle ; and against the tradition also, which would make it the common sepulchre of a town, in which the bodies were placed upright and touching each other. Appearances certainly indicate that it has derived both origin and growth from the accustomary collection of bones, and deposition of them together ; that the first collection had been deposited on the common surface of the earth, a few stones put over it, and then a covering of earth ; that the second had been laid on this, had covered more or less of it in proportion to the number of bones, and was then also covered with earth ; and so on. The following are the particular circumstances which give it this aspect.

1. The number of bones.
2. Their confused position.
3. Their being in different stratas,
4. The strata in one part having no correspondence with those in another.
5. The different states of decay in these strata, which seem to indicate a difference in the time of inhumation.
6. The existence of infant bones among them.

But on whatever occasion they may have been made, they are of considerable notoriety among the Indians : for a party passing, about

thirty years ago, through the part of the country where this barrow is, went through the woods directly to it, without any instructions or enquiry, and having staid about it some time, with expressions which were construed to be those of sorrow, they returned to the high road, which they had left about half a dozen miles to pay this visit, and pursued their journey. There is another barrow, much resembling this, in the low grounds of the South branch of Shenandoah, where it is crossed by the road leading from the Rock-fish gap to Staunton. Both of these have, within these dozen years, been cleared of their trees and put under cultivation, are much reduced in their height, and spread in width, by the plough, and will probably disappear in time. There is another on a hill in the Blue ridge of mountains, a few miles North of Wood's gap, which is made up of small stones thrown together. This has been opened and found to contain human bones, as the others do. There are also many others in other parts of the country.

Great question has arisen from whence came those aboriginal inhabitants of Ame-

rica? Discoveries, long ago made, were sufficient to shew that a passage from Europe to America was always practicable, even to the imperfect navigation of ancient times. In going from Norway to Iceland, from Iceland to Groenland, from Groenland to Labrador, the first traject is the widest: and this having been practised from the earliest times of which we have any account of that part of the earth, it is not difficult to suppose that the subsequent trajects may have been sometimes passed. Again, the late discoveries of Captain Cook, coasting from Kamschatka to California, have proved that, if the two continents of Asia and America be separated at all, it is only by a narrow streight. So that from this side also, inhabitants may have passed into America: and the resemblance between the Indians of America and the Eastern inhabitants of Asia, would induce us to conjecture, that the former are the descendants of the latter, or the latter of the former: excepting indeed the Eskimaux, who, from the same circumstance of resemblance, and from identity of language, must be derived from the Groenlanders, and these probably from some of the Northern parts of the old continent. A knowledge of their

several languages would be the most certain evidence of their derivation which could be produced. In fact, it is the best proof of the affinity of nations which ever can be referred to. How many ages have elapsed since the English, the Dutch, the Germans, the Swiss, the Norwegians, Danes and Swedes have separated from their common stock? Yet how many more must elapse before the proofs of their common origin, which exist in their several languages, will disappear? It is to be lamented then, very much to be lamented, that we have suffered so many of the Indian tribes already to extinguish, without our having previously collected and deposited in the records of literature, the general rudiments at least of the languages they spoke. Were vocabularies formed of all the languages spoken in North and South America, preserving their appellations of the most common objects in nature, of those which must be present to every nation barbarous or civilized, with the inflections of their nouns and verbs, their principles of regimen and concord, and these deposited in all the public libraries, it would furnish op-

portunities to those skilled in the languages of the old world to compare them with these, now, or at any future time, and hence to construct the best evidence of the derivation of this part of the human race.

I will now proceed to state the nations and numbers of the Aborigines which still exist in a respectable and independant form. And as their undefined boundaries would render it difficult to specify those only which may be within any certain limits, and it may not be unacceptable to present a more general view of them, I will reduce within the form of a Catalogue all those within, and circumjacent to, the United States, whose names and numbers have come to my notice. These are taken from four different lists, the first of which was given in the year 1759 to General Stanwix by George Croghan, Deputy agent for Indian affairs under Sir William Johnson; the second was drawn up by a French trader of considerable note, resident among the Indians many years, and annexed to Colonel Bouquet's printed account of his expedition in 1764. The third was made out by Cap-

tain
by
num
Doc
the
info

tain Hutchins, who visited most of the tribes, by order, for the purpose of learning their numbers in 1768. And the fourth by John Dodge, an Indian trader, in 1779, except the numbers marked *, which are from other information.

Tribe	1768	1779	1780	1781
Chippewa	100	100	100	100
Ojibwa	100	100	100	100
Menominee	100	100	100	100
Winnebago	100	100	100	100
Illinois	100	100	100	100
Peoria	100	100	100	100
Kaskaskia	100	100	100	100
Michoud	100	100	100	100
St. Ignace	100	100	100	100
St. Louis	100	100	100	100
St. Charles	100	100	100	100
St. Joseph	100	100	100	100
St. Peter	100	100	100	100
St. Paul	100	100	100	100
St. Anthony	100	100	100	100
St. James	100	100	100	100
St. John	100	100	100	100
St. Mary	100	100	100	100
St. Elizabeth	100	100	100	100
St. Ann	100	100	100	100
St. Rose	100	100	100	100
St. Thérèse	100	100	100	100
St. Agathe	100	100	100	100
St. Marguerite	100	100	100	100
St. Germain	100	100	100	100
St. Sébastien	100	100	100	100
St. Yves	100	100	100	100
St. Eustache	100	100	100	100
St. Basile	100	100	100	100
St. Valentin	100	100	100	100
St. Adolphe	100	100	100	100
St. Boniface	100	100	100	100
St. Cloud	100	100	100	100
St. Isidore	100	100	100	100
St. Leobard	100	100	100	100
St. Norbert	100	100	100	100
St. Raphael	100	100	100	100
St. Vital	100	100	100	100
St. Zénon	100	100	100	100
St. Basile	100	100	100	100
St. Jean Baptiste	100	100	100	100
St. Joseph	100	100	100	100
St. Louis	100	100	100	100
St. Charles	100	100	100	100
St. Ignace	100	100	100	100
St. Mary	100	100	100	100
St. Elizabeth	100	100	100	100
St. Ann	100	100	100	100
St. Rose	100	100	100	100
St. Thérèse	100	100	100	100
St. Agathe	100	100	100	100
St. Marguerite	100	100	100	100
St. Germain	100	100	100	100
St. Sébastien	100	100	100	100
St. Yves	100	100	100	100
St. Eustache	100	100	100	100
St. Basile	100	100	100	100
St. Valentin	100	100	100	100
St. Adolphe	100	100	100	100
St. Boniface	100	100	100	100
St. Cloud	100	100	100	100
St. Isidore	100	100	100	100
St. Leobard	100	100	100	100
St. Norbert	100	100	100	100
St. Raphael	100	100	100	100
St. Vital	100	100	100	100
St. Zénon	100	100	100	100

T R I B E S.	Croghan. 1759.	Bouquet. 1764.	Hutchins. 1768.	Where they reside.
Ofwegatchies	-	-	100	{ At Swagatchy, on the river St. Lawrence
Connasdagoes	-	-	300	Near Montreal
Cohunnewagoes	-	200	-	Near Trois Rivieres
Orondocs	-	-	100	Near Trois Rivieres
Abenakies	-	350	150	Near Trois Rivieres
Little Algonkins	-	-	100	Near Trois Rivieres
Michmags	-	700	-	River St. Lawrence
Ameliffes	-	550	-	River St. Lawrence
Chalas	-	130	-	River St. Lawrence
Nipissins	-	400	-	{ Towards the heads of the Ottawas river
Algonquins	-	300	-	{ Towards the heads of the Ottawas river
Round heads	-	2500	-	{ Riviere aux Tercs boules on the East side of Lake Superior
Messafagues	-	2000	-	Lakes Huron and Superior
Christinaux. Kris	-	3000	-	Lake Christinaux

T R I B E S.	Croghan.	Bouquet.	Hutchins.	Where they reside.
--------------	----------	----------	-----------	--------------------

T R I B E S.

	Croghan. 1759.	Bouquet. 1764.	Hutchins. 1768.	Where they reside.
Astinaboes	-	1500	-	Lake Astinaboes
Blancs, or Barbus	-	1500	-	
Sioux of the Meadows	-	2500	-	{ On the heads of the Mississipi and Westward of that river
Sioux of the Woods	10,000	1800	10,000	
Sioux	-	-	-	
Ajones	-	1100	-	North of the Padoucas
Panis. White	-	2000	-	South of the Mississipi
Panis. Freckled	-	1700	-	South of the Mississipi
Padoucas	-	500	-	South of the Mississipi
Grandes eaux	-	1000	-	
Canes	-	1600	-	South of the Mississipi
Osages	-	600	-	South of the Mississipi
Missouris	400	3000	-	On the river Mississipi
Arkansas	-	2000	-	On the river Arkansas
Caouitas	-	700	-	East of the Alibamous

T R I B E S.	Croghan. 1759.	Bouquet. 1764.	Hutchins. 1768.	Dodge. 1779.	Where they reside.
Mohocks	-	-	160	100	Mohocks river. [of Susquehanna.
Onondagas	-	-	300	400	E. side of Onondaga L. and head branches
Tuscaroras	-	-	200	-	Between the Onondagas & Onondagoes.
Onondagoes	-	1550	260	230	Near Onondaga L. [of Susquehanna.
Cayugas	-	-	200	230	On the Cayuga L. near the N. branch
Senecas	-	-	1000	650	{ On the waters of Susquehanna, of Ontario, and the heads of the Ohio.
Aughquagahs	-	-	150	-	{ East branch of Susquehanna, and on Aughquagah
Nanticoes	-	-	100	-	{ Utterango, Chaghtnet, and Owego on the East branch of Susquehanna.
Mohiccons	-	-	100	-	In the same parts.
Condies	-	-	30	-	In the same parts.
Sapoonies	-	-	30	-	{ At Diahago and other villages up the N. branch of Susquehanna.
Mimies	-	-	350	*150	{ At Diahago and other villages up the N. branch of Susquehanna.

T R I B E S.	Croghan. 1759.	Bouquet. 1764.	Hutchins. 1768.	Dodge. 1779.	Where they reside.
--------------	-------------------	-------------------	--------------------	-----------------	--------------------

T R I B E S.	Within the Limits of the United States.				Where they reside.	
	Croghan. 1759.	Bouquet. 1764.	Hutchins. 1768.	Dodge. 1779.		
Delawares, or Linnelinopics }	-	-	150	* 500	{ At Diabago and other villages up the N. branch of Susquehanna.	
Delawares, or Linnelinopics }	600	600	600		{ Between Ohio and L. Erie and the branches of Beaver creek, Caya- hoga and Muskingham.	
Shawnees	400	500	300	300	{ Sioto and the branch of Muskingham.	
Mingoes	-	-	60	60	{ On a branch of Sioto.	
Mohiccons	-	-	300	* 60	{ Near Sandusky	
Cohunnnewagos }	-	-	300	-	{ Near Fort St. Joseph's and Detroit.	
Wyandots }	300	300	250	180	{ Miami river near Fort Miami.	
Wyandots }	300	-	250	-	{ Miami river, about Fort St. Joseph.	
Twightwees }	-	389	-	300	{ On the banks of the Wabash, near Fort Ouiatonon.	
Miamis }	-	409	300	* 300	{ On the banks of the Wabash, near Fort Ouiatonon.	
Ouiatonons }	200	-	300	* 400	{ On the banks of the Wabash, near Fort Ouiatonon.	
Piankishas }	300	250	300	-	{ On the banks of the Wabash, near Fort Ouiatonon.	
Shakties }	-	-	200	-	{	
				1110.		

Within the Limits of the United States.

T R I B E S.	Croghan. 1759.	Bouquet. 1764.	Hutchins. 1768.	Dodge. 1779.	Where they reside.
Kaskaskias	-	-	300	-	Near Kaskaskia.
Illinois	400	600	300	-	Near Cahokia. Qa. If not the same with the Mitchigamis?
Piorias	-	800	-	-	On the Illinois R., called Pianrias, but supposed to mean Piorias.
Pouresotamies	-	350	300	450	Near St. Joseph's and Fort Detroit.
Ottawas	-	-	550	* 300	Near St. Joseph's and Fort Detroit.
Chippawas	-	-	200	-	On Saguinam bay of Lake Huron.
Ottawas	-	-	400	-	On Saguinam bay of Lake Huron.
Chippawas	-	-	250	-	Near Michillimakinac.
Chippawas	2000	5900	400	5450	Near Michillimakinac.
Chippawas	-	-	-	-	Near Fort St. Mary's on L. Superior.
Chippawas	-	-	-	-	Several other villages along the banks of Lake Superior. Numbers unknown.
Chippawas	-	-	-	-	Near Puans bay, on Lake Michigan.
Shakies	200	400	550	-	Near Puans bay, on Lake Michigan.
Mynonamies	-	-	-	-	Near Puans bay, on Lake Michigan.
Ouisconings	-	550	-	-	Ouisconing River.

T R I B E S.	Croghan. 1759.	Bouquet. 1764.	Hutchins. 1768.	Dodge. 1779.	Where they reside.
Kickapous	600	300	-	250	On Lake Michigan, and between that and the Mississippi.
Otagamies, Foxes	-	-	-	-	
Mascoutens	-	500	400	-	
Missoithins	-	-	-	-	
Ojibwas	-	-	-	-	
Musquakies	200	250	-	250	{ On the Eastern heads of Mississippi, and the islands of L. Superior.
Sioux. Eastern	-	-	500	500	
Cherokees	1500	2500	3000	-	Western parts of North Carolina.
Chickasaws	-	750	500	-	Western parts of Georgia.
Catawbas	-	150	-	-	On the Carawba R. in S. Carolina.
Chactaws	2000	4500	6000	-	Western parts of Georgia.
Upper Creeks	-	-	-	-	Western parts of Georgia.
Lower Creeks	-	1180	3000	-	
Natchez	-	150	-	-	{ Alabama R. in the Western parts of Georgia.
Alibamours	-	600	-	-	

Within the Limits of the United States.

The following tribes are also mentioned :

Croghan's catalog.	Lezar	-	400	{	From the mouth of Ohio to the mouth of Wabash.
	Webings	-	200		On the Mississipi below the Shakies.
	Ousafays.	{	4000	{	On White creek, a branch of the Mississipi.
	Grand Tuc.				
	Linways	-	1000	{	On the Mississipi.
Bouquet's.	Les Puans	-	700	{	Near Puans bay
	Folle avoine	-	350		Near Puans bay
	Ouanakina	-	300	{	Conjectured to be tribes of the creeks.
	Chiakanessou	-	350		
	Machecous	-	800		
	Souikilas	-	200	{	
Dodge's.	Mineamis	-	2000	{	North-west of L. Michigan, to the heads of Mississipi. and up to L. Superior.
	Piankishas Mascourtins Vermillions	{	800		{

But, apprehending these might be different appellations for some of the tribes already enumerated, I have not inserted them in the table, but state them separately as worthy of further enquiry. The variations observable in numbering the same tribe may sometimes be ascribed to imperfect information, and sometimes to a greater or less comprehension of settlements under the same name. (7)

Q U E R Y X I I .

A Notice of the counties, cities, townships, Counties.
Towns.
and villages?

The counties have been enumerated under Query IX. They are 74 in number, of very unequal size and population. Of these 35 are on the tide waters, or in that parallel; 23 are in the Midlands, between the tide waters and Blue ridge of mountains; 8 between the Blue ridge and Alleghaney; and 8 westward of the Alleghaney.

The state, by another division, is formed into parishes, many of which are commensurate with the counties: but sometimes a county comprehends more than one parish, and sometimes a parish more than one county. This division had relation to the religion of the state, a Parson of the Anglican church, with a fixed salary, having been heretofore established in each parish. The care of the poor was another object of the parochial division.

We have no townships. Our country being much intersected with navigable waters

and trade brought generally to our doors, instead of our being obliged to go in quest of it, has probably been one of the causes why we have no towns of any consequence.

Williamsburgh, which till the year 1780, was the seat of our government, never contained above 1800 inhabitants; and *Norfolk*, the most populous town we ever had, contained but 6000. Our towns, but more properly our villages or hamlets, are as follows.

On *James river* and its waters, *Norfolk*, *Portsmouth*, *Hampton*, *Suffolk*, *Smithfield*, *Williamsburgh*, *Petersburg*, *Richmond* the seat of our government, *Manchester*, *Charlottesville*, *New London*.

On *York river* and its waters, *York*, *Newcastle*, *Hanover*.

On *Rappahannoc*, *Urbanna*, *Portroyal*, *Fredericksburg*, *Falmouth*.

On *Patowmac* and its waters, *Dumfries*, *Colchester*, *Alexandria*, *Winchester*, *Staunton*.

On the *Ohio*, *Louisville*.

There are other places at which, like some of the foregoing, the *laws* have said there shall be towns; but *Nature* has said there shall not, and they remain unworthy of enumeration. *Norfolk* will probably be the emporium

riu
an
wi
its
tov
Pe
Jan
and
Pat
be
Acc
trou
inft
in t

T
vera
Q
ing
Rale
not i
to hi
leagu
withi

rium for all the trade of the Chesapeake bay and its waters; and a canal of 8 or 10 miles will bring to it all that of Albemarle sound and its waters. Secondary to this place, are the towns at the head of the tidewaters, to wit, Petersburg on Appamattox, Richmond on James river, Newcastle on York river, Alexandria on Patowmac, and Baltimore on the Patapsco. From these the distribution will be to subordinate situations in the country. Accidental circumstances however may controul the indications of nature, and in no instances do they do it more frequently than in the rise and fall of towns.

Q U E R Y XIII.

THE constitution of the state, and its several charters? Constitution

Queen Elizabeth by her letters patent, bearing date March 25, 1584, licensed Sir Walter Raleigh to search for remote heathen lands, not inhabited by Christian people, and granted to him, in fee simple, all the soil within 200 leagues of the places where his people should, within 6 years, make their dwellings or abi-

dings ; reserving only, to herself and her successors, their allegiance and one fifth part of all the gold and silver ore they should obtain. Sir Walter immediately sent out two ships which visited Wococon island in North Carolina, and the next year dispatched seven with 107 men, who settled in Roanoke island about latitude $35^{\circ} 50'$. Here Okisko, king of the Weopomeiocs, in a full council of his people, is said to have acknowledged himself the homager of the Queen of England, and, after her, of Sir Walter Raleigh. A supply of 50 men were sent in 1586, and 150 in 1587. With these last, Sir Walter sent a Governor, appointed him twelve assistants, gave them a charter of incorporation, and instructed them to settle on Chesapeak bay. They landed however at Hatorask. In 1588, when a fleet was ready to sail with a new supply of colonists and necessaries, they were detained by the Queen to assist against the Spanish Armada. Sir Walter having now expended 40,000 l. in these enterprizes, obstructed occasionally by the crown, without a shilling of aid from it, was under a necessity of engaging others to adventure their money. He therefore, by deed bearing date the 7th of

March 1589, by the name of Sir Walter Raleigh, Chief Governor of Assamacomoc, (probably Acomac), alias Wingadacoia, alias Virginia, granted to Thomas Smith and others, in consideration of their adventuring certain sums of money, liberty of trade to his new country, free from all customs and taxes for seven years, excepting the fifth part of the gold and silver ore to be obtained; and stipulated with them, and the other assistants, then in Virginia, that he would confirm the deed of incorporation which he had given in 1587, with all the prerogatives, jurisdictions, royalties and privileges granted to him by the Queen. Sir Walter, at different times, sent five other adventures hither, the last of which was in 1602: for in 1603 he was attainted, and put into close imprisonment, which put an end to his cares over his infant colony. What was the particular fate of the colonists he had before sent and seated, has never been known: whether they were murdered, or incorporated with the savages.

Some gentlemen and merchants, supposing that by the attainder of Sir Walter Raleigh the grant to him was forfeited, not enquiring over carefully whether the sentence of an

English court could affect lands not within the jurisdiction of that court, petitioned king James for a new grant of Virginia to them. He accordingly executed a grant to Sir Thomas Gates and others, bearing date the 9th of March 1607, under which, in the same year, a settlement was effected at Jamestown, and ever after maintained. Of this grant however no particular notice need be taken, as it was superseded by letters patent of the same king, of May 23, 1609, to the Earl of Salisbury and others, incorporating them by the name of 'the Treasurer and Company of adventurers and planters of the City of London for the first colony in Virginia,' granting to them and their successors all the lands in Virginia from Point Comfort along the sea coast to the northward 200 miles, and from the same point along the sea coast to the southward 200 miles, and all the space from this precinct on the sea coast up into the land, West and North-west, from sea to sea, and the islands within one hundred miles of it, with all the commodities, jurisdictions, royalties, privileges, franchises and pre-eminences within the same, and thereto and thereabouts, by sea and land, appertain-

ing, in as ample manner as had before been granted to any adventurer: to be held of the king and his successors, in common socage, yielding one fifth part of the gold and silver ore to be therein found, for all manner of services; establishing a council in England for the direction of the enterprise, the members of which were to be chosen and displaced by the voice of the majority of the company and adventurers, and were to have the nomination and revocation of governors, officers, and ministers, which by them should be thought needful for the colony, the power of establishing laws and forms of government and magistracy, obligatory not only within the colony, but also on the seas in going and coming to and from it; authorising them to carry thither any persons who should consent to go, freeing them for ever from all taxes and impositions on any goods or merchandize on importation into the colony, or exportation out of it, except the five per cent. due for custom on all goods imported into the British dominions, according to the ancient trade of merchants; which five per cent. only being paid, they might within 13 months re-export the same goods

into foreign parts, without any custom, tax, or other duty, to the king or any his officers or deputies: with powers of waging war against those who should annoy them: giving to the inhabitants of the colony all the rights of natural subjects as if born and abiding in England; and declaring that these letters should be construed, in all doubtful parts, in such manner as should be most for the benefit of the grantees.

Afterwards on the 12th of March 1612, by other letters patent, the king added to his former grants, all islands in any part of the ocean between the 30th and 41st degrees of latitude, and within 300 leagues of any of the parts before granted to the treasurer and company, not being possessed or inhabited by any other christian prince or state, nor within the limits of the northern colony.

In pursuance of the authorities given to the company by these charters, and more especially of that part in the charter of 1609, which authorised them to establish a form of government, they on the 24th of July 1621, by charter under their common seal, declared that from thenceforward there should be two supreme councils in Virginia, the one

to be called the council of state, to be placed and displaced by the treasurer, council in England, and company, from time to time, whose office was to be that of assisting and advising the governor; the other to be called the general assembly, to be convened by the governor once yearly or oftener, which was to consist of the council of state, and two burgessees out of every town, hundred, or plantation, to be respectively chosen by the inhabitants. In this all matters were to be decided by the greater part of the votes present; reserving to the governor a negative voice; and they were to have power to treat, consult, and conclude all emergent occasions concerning the public weal, and to make laws for the behoof and government of the colony, imitating and following the laws and policy of England as nearly as might be; providing that these laws should have no force till ratified in a general quarter court of the company in England, and returned under their common seal, and declaring that, after the government of the colony should be well framed and settled, no orders of the council in England should bind the colony unless ratified in the said

general assembly. The king and company quarrelled, and, by a mixture of law and force, the latter were ousted of all their rights, without retribution, after having expended 100,000 l. in establishing the colony, without the smallest aid from government. King James suspended their powers by proclamation of July 15, 1624, and Charles I. took the government into his own hands. Both sides had their partisans in the colony: but in truth the people of the colony in general thought themselves little concerned in the dispute; There being three parties interested in these several charters, what passed between the first and second it was thought could not affect the third. If the king seized on the powers of the company, they only passed into other hands, without increase or diminution, while the rights of the people remained as they were. But they did not remain so long. The northern parts of their country were granted away to the Lords Baltimore and Fairfax, the first of these obtaining also the rights of separate jurisdiction and government. And in 1650 the parliament, considering itself as standing in the place of their deposed king, and as having succeeded

to all his powers, without as well as within the realm, began to assume a right over the colonies, passing an act for inhibiting their trade with foreign nations. This succession to the exercise of the kingly authority gave the first colour for parliamentary interference with the colonies, and produced that fatal precedent which they continued to follow after they had retired, in other respects, within their proper functions. When this colony therefore, which still maintained its opposition to Cromwell and the parliament, was induced in 1651 to lay down their arms, they previously secured their most essential rights, by a solemn convention, which having never seen in print I will here insert literally from the records.

‘ ARTICLES agreed on & concluded at
 ‘ James Cittie in Virginia for the surrender-
 ‘ ing and settling of that plantation under
 ‘ obedience & government of the common
 ‘ wealth of England by the Commissioners
 ‘ of the Councill of state by authoritie
 ‘ of the parliamt. of England & by the Grand
 ‘ assembly of the Governour, Councill &
 ‘ Burgeses of that countrey.

First it is agreed and consted that the plantation of Virginia, & all the inhabitants thereof shall be & remaine in due obedience and subjection to the Comon wealth of England, according to ; lawes there established, and that this submission and subscription bee acknowledged a voluntary act not forced nor constrained by a conquest upon the countrey, and that they shall have & enjoy such freedoms and privileges as belong to the free borne people of England, and that the former government by the Comissions and Instructions be void and null.

2ly, Secondly that the Grand assembly as formerly shall convene & transact the affairs of Virginia wherein nothing is to be acted or done contrarie to the government of the Comon wealth of England & the lawes there established.

3ly, That there shall be a full & totall remission and indempritie of all acts, words, or writeings done or spoken against the parliament of England in relation to the same.

4ly, That Virginia shall have & enjoy ; antient bounds and Lymitts granted by

‘ the charters of the former kings, and that
 ‘ we shall seek a new charter from the par-
 ‘ liament to that purpose against any that
 ‘ have intrencht upon ; rights thereof.

‘ 5ly, That all the pattents of land grant-
 ‘ ed under the collony seale by any of the
 ‘ precedent governours shall be & remaine
 ‘ in their full force & strength.

‘ 6ly, That the priviledge of haveing ffif-
 ‘ tie acres of land for every person trans-
 ‘ ported in that collonie shall continue as
 ‘ formerly granted.

‘ 7ly, That ; people of Virginia have free trade
 ‘ as ; people of England do enjoy to all
 ‘ places and with all nations according to ;
 ‘ lawes of that common wealth, and that Vir-
 ‘ ginia shall enjoy all priviledges equall with
 ‘ any English plantations in America.

‘ 8ly, That Virginia shall be free from all
 ‘ taxes, customs & impositions whatsoever,
 ‘ & none to be imposed on them without
 ‘ consent of the Grand assembly, And soe
 ‘ that neither ffortes nor castles bee erected
 ‘ or garrisons maintained without their con-
 ‘ sent.

‘ 9ly, That noe charge shall be required
 ‘ from this country in respect of this pre-
 ‘ sent fleet.

10ly, That for the future settlement of
 the countrey in their due obedience, the
 Engagement shall be tendred to all ; inha-
 bitants according to act of parliament made
 to that purpose, that all persons who shall
 refuse to subscribe the said engagement,
 shall have a yeare's time if they please to
 remove themselves & their estates out of
 Virginia, and in the mean time during the
 said yeare to have equall justice as for-
 merly.

11ly, That ; use of the booke of com-
 mon prayer shall be permitted for one yeare
 ensueinge with reference to the consent of
 ; major part of the parishes, provided that
 those things which relate to kingshipp or
 that goverment be not used publicuely,
 and the continuance of ministers in their
 places, they not misdemeaning themselves,
 and the payment of their accustomed dues
 and agreements made with them respec-
 tively shall be left as they now stand dure-
 ing this ensueing yeare.

12ly, That no man's cattell shall be ques-
 tioned as ; companies unles such as have
 been entrusted with them or have disposed
 of them without order.

‘ 13ly. That all ammunition, powder &
‘ armes, other then for private use, shall
‘ be delivered up, securitie being given to
‘ make satisfaction for it.

‘ 14ly. That all goods allreadie brought
‘ hither by ; Dutch or others which are now
‘ on shoar shall be free from surprizall.

‘ 15ly. That the quittrents granted unto
‘ us by the late kinge for seaven yeares bee
‘ confirmed.

‘ 16ly, That ; commissioners for the parliament
‘ subscribing these articles engage themselves
‘ & the honour of the parliament for the full
‘ performance thereof: and that the present
‘ governour & ; councill & the burgeses do
‘ likewise subscribe & engage the whole col-
‘ lony on their parts.

RICH. BENNETT.——Seale.

W^m. CLAIBORNE.——Seale.

EDMOND CURTIS.——Seale.

‘ These articles were signed & sealed by
‘ the Commissioners of the Councill of state
‘ for the Commonwealth of England the
‘ twelveth day of March 1651.

Then follow the articles stipulated by the
governor and council, which relate merely

to their own persons and property, and then
the ensuing instrument:

‘ An act of indempnitie made att the sur-
render of the countrey.

‘ Whereas by the authoritie of the par-
liament of England wee the commissioners
‘ appointed by the councill of state autho-
‘ rized thereto having brought a fleete &
‘ force before James cittie in Virginia to re-
‘ duce that collonie under the obedience of
‘ the commonwealth of England, & finde-
‘ ing force raised by the Governour & coun-
‘ trey to make opposition against the said
‘ fleet whereby assured danger appearinge
‘ of the ruine & destruction of ; plantation,
‘ for prevention whereof the Burgeesses of all
‘ the severall plantations being called to ad-
‘ vise & assist therein, uppon long & serious
‘ debate, and in sad contemplation of the
‘ greate miseries & certaine destruction which
‘ were foe neerly hovering over the whole
‘ countrey; Wee the said Comissioners have
‘ thought fitt & condescended and granted
‘ to signe & confirme under our hands,
‘ seales, & by our oath, Articles bearinge
‘ date with theise presents, and do further
‘ declare that by ; authoritie of the par-

'liament & commonwealth of England deri-
 'ved unto us their Comissioners, that ac-
 'cording to the articles in generall wee
 'have granted an act of indempnitie and
 'oblivion to all the inhabitants of this col-
 'lony from all words, actions, or writings
 'that have been spoken acted or writt against
 'the parliament or comonwealth of England
 'or any other person from the beginning of
 'the world to this daye. And this wee
 'have done that all the inhabitants of the
 'collonie may live quietly & securely un-
 'der the comonwealth of England And wee
 'do promise that the parliament & common-
 'wealth of England shall confirme & make
 'good all those transactions of ours. Witt-
 'nes our hands & seales this 12th of March
 '1651. Richard Bennett—Seale. W^m. Clai-
 'borne—Seale. Edm. Curtis—Seale.'

The colony supposed that, by this solemn
 convention, entered into with arms in their
 hands, they had secured the * antient limits
 of their country, † its free trade, its ex-
 emption from § taxation but by their own

* Art. 4.

† Art. 7.

§ Art. 8.

assembly, and exclusion of * military force from among them. Yet in every of these points was this convention violated by subsequent kings and parliaments, and other infractions of their constitution, equally dangerous, committed. Their General Assembly, which was composed of the council of state and burgeses, sitting together and deciding by plurality of voices, was split into two houses, by which the council obtained a separate negative on their laws. Appeals from their supreme court, which had been fixed by law in their general assembly, were arbitrarily revoked to England, to be there heard before the king and council. Instead of four hundred miles on the sea coast, they were reduced, in the space of thirty years, to about one hundred miles. Their trade with foreigners was totally suppressed, and, when carried to Great Britain, was there loaded with imposts. It is unnecessary, however, to glean up the several instances of injury, as scattered through American and British history, and the more especially as, by

* Art. 8.

passing on to the accession of the present king, we shall find specimens of them all, aggravated, multiplied and crowded within a small compass of time, so as to evince a fixed design of considering our rights natural, conventional and chartered as mere nullities. The following is an epitome of the first fifteen years of his reign. The colonies were taxed internally and externally; their essential interests sacrificed to individuals in Great-Britain; their legislatures suspended; charters annulled; trial by juries taken away; their persons subjected to transportation across the Atlantic, and to trial before foreign judicatories; their supplications for redress thought beneath answer; themselves published as cowards in the councils of their mother country and courts of Europe; armed troops sent among them to enforce submission to these violences; and actual hostilities commenced against them. No alternative was presented but resistance, or unconditional submission. Between these could be no hesitation. They closed in the appeal to arms. They declared themselves independent States. They confederated together into one great republic; thus securing to

every state the benefit of an union of their whole force. In each state separately a new form of government was established. Of ours particularly the following are the outlines. The executive powers are lodged in the hands of a governor, chosen annually, and incapable of acting more than three years in seven. He is assisted by a council of eight members. The judiciary powers are divided among several courts, as will be hereafter explained. Legislation is exercised by two houses of assembly, the one called the house of Delegates, composed of two members from each county, chosen annually by the citizens possessing an estate for life in 100 acres of uninhabited land, or 25 acres with a house on it, or in a house or lot in some town: the other called the Senate, consisting of 24 members, chosen quadrennially by the same electors, who for this purpose are distributed into 24 districts. The concurrence of both houses is necessary to the passage of a law. They have the appointment of the governor and council, the judges of the superior courts, auditors, attorney general, treasurer, register of the land office, and delegates to congress. As the dismemberment of the state had never had its con-

firmation, but, on the contrary, had always been the subject of protestation and complaint, that it might never be in our own power to raise scruples on that subject or to disturb the harmony of our new confederacy, the grants to Maryland, Pennsylvania and the two Carolinas were ratified.

This constitution was formed when we were new and unexperienced in the science of government. It was the first too which was formed in the whole United States. No wonder then that time and trial have discovered very capital defects in it.

1. The majority of the men in the state, who pay and fight for its support, are unrepresented in the legislature, the roll of freeholders entitled to vote, not including generally the half of those on the roll of the militia, or of the tax-gatherers.

2. Among those who share the representation, the shares are very unequal. Thus the county of Warwick, with only one hundred fighting men, has an equal representation with the county of Loudon, which has 1746. So that every man in Warwick has as much influence in the government as 17 men in Loudon. But lest it should be thought that an equal interperfusion of small among large coun-

ties, through the whole state, may prevent any danger of injury to particular parts of it, we will divide it into districts, and shew the proportions of land, of fighting men, and of representation in each.

	Square miles.	Fighting men.	Dele gates	Sena tors.
Between the sea-coast and falls of the rivers - - -	*11,205	19,012	71	12
Between the falls of the rivers & the Blue ridge of mountains	13,759	18,828	46	8
Between the Blue ridge and the Allegany - - -	11,911	7,673	16	2
Between the Allegany & Ohio	†79,650	4,458	16	2
Total - - -	121,525	49,971	149	24

An inspection of this table will supply the place of commentaries on it. It will appear at once that nineteen thousand men living below the falls of the rivers, possess half the senate, and want four members only of possessing a majority of the house of delegates; a want more than supplied by the vicinity of their situation to the seat of government, and of course the greater degree of convenience and punctuality with which

* Of these, 542 are on the Eastern shore.

† Of these, 22,616 are Eastward of the meridian of the mouth of the Great Kanhaway.

their members may and will attend in the legislature. These nineteen thousand therefore living in one part of the country, give law to upwards of thirty thousand, living in another, and appoint all their chief officers executive and judiciary. From the difference of their situation and circumstances their interests will often be very different.

3. The senate is, by its constitution, too homogeneous with the house of delegates. Being chosen by the same electors, at the same time, and out of the same subjects, the choice falls of course on men of the same description. The purpose of establishing different houses of legislation is to introduce the influence of different interests or different principles. Thus in Great Britain it is said their constitution relies on the house of commons for honesty, and the lords for wisdom; which would be a rational reliance if honesty were to be bought with money, and if wisdom were hereditary. In some of the American states the delegates and senators are so chosen, as that the first represent the persons, and the second the property of the state. But with us, wealth and wisdom have equal chance for admission into both houses. We do not

therefore derive from the separation of our legislature into two houses those benefits which a proper complication of principles is capable of producing, and those which alone can compensate the evils which may be produced by their dissensions.

4. All the powers of government, legislative, executive, and judiciary, result to the legislative body. The concentrating these in the same hands is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands, and not by a single one. 173 despots would surely be as oppressive as one. Let those who doubt it turn their eyes on the republic of Venice. As little will it avail us that they are chosen by ourselves. An *elective despotism* was not the government we fought for; but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy as that no one could transcend their legal limits, without being effectually checked and restrained by the others. For this reason that convention, which passed the ordinance of government,

laid its foundation on this basis, that the legislative, executive and judiciary departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time. But no barrier was provided between these several powers. The judiciary and executive members were left dependant on the legislative, for their subsistence in office, and some of them for their continuance in it. If therefore the legislature assumes executive and judiciary powers, no opposition is likely to be made; nor, if made, can it be effectual; because in that case they may put their proceedings into the form of an act of assembly, which will render them obligatory on the other branches. They have accordingly, in many instances, decided rights which should have been left to judiciary controversy: and the direction of the executive, during the whole time of their session, is becoming habitual and familiar. And this is done with no ill intention. The views of the present members are perfectly upright. When they are led out of their regular province it is by art in others, and inadvertence in themselves. And this will probably be the case for some

time to come. But it will not be a very long time. Mankind soon learn to make interested uses of every right and power which they possess or may assume. The public money and public liberty, intended to have been deposited with three branches of magistracy, but found inadvertently to be in the hands of one only, will soon be discovered to be sources of wealth and dominion to those who hold them; distinguished too by this tempting circumstance, that they are the instrument, as well as the object, of acquisition. With money we will get men, said Cæsar, and with men we will get money. Nor should our assembly be deluded by the integrity of their own purposes, and conclude that these unlimited powers will never be abused, because themselves are not disposed to abuse them. They should look forward to a time, and that not a distant one, when corruption in this, as in the country from which we derive our origin, will have seized the heads of government, and be spread by them through the body of the people; when they will purchase the voices of the people and make them pay the price. Human nature is the same on every side of the Atlan-

tic, and will be alike influenced by the same causes. The time to guard against corruption and tyranny is before they shall have gotten hold on us. It is better to keep the wolf out of the fold, than to trust to drawing his teeth and talons after he shall have entered. To render these considerations the more cogent we must observe in addition

5. That the ordinary legislature may alter the constitution itself. On the discontinuance of assemblies, it became necessary to substitute in their place some other body, competent to the ordinary business of government and to the calling forth the powers of the state for the maintenance of our opposition to Great Britain. Conventions were therefore introduced, consisting of two delegates from each county, meeting together and forming one house, on the plan of the former house of Burgesses, to whose places they succeeded. These were at first chosen anew for every particular session. But in March 1775, they recommended to the people to chuse a convention which should continue in office a year. This was done accordingly in April 1775, and in the July following that convention passed an ordinance

for the election of delegates in the month of April annually. It is well known, that in July 1775, a separation from Great Britain and establishment of Republican government had never yet entered into any person's mind. A convention therefore, chosen under that ordinance, can not be said to have been chosen for purposes which certainly did not exist in the minds of those who passed it. Under this ordinance, at the annual election in April 1776, a convention for the year was chosen. Independance, and the establishment of a new form of government, were not even yet the objects of the people at large. One extract from the pamphlet called Common sense had appeared in the Virginia papers in February, and copies of the pamphlet itself had got into a few hands. But the idea had not been opened to the mass of the people in April, much less can it be said that they had made up their minds in its favor. So that the electors of April 1776, no more than the legislators of July 1775, not thinking of independance and a permanent republic, could not mean to vest in these delegates powers of establishing them, or any authorities other than those of the ordinary

legislature. So far as a temporary organization of government was necessary to render our opposition energetic, so far their organization was valid. But they received in their creation no powers but what were given to every legislature before and since. They could not therefore pass an act transcendent to the powers of other legislatures. If the present assembly pass any act, and declare it shall be irrevocable by subsequent assemblies. The declaration is merely void, and the act repealable as other acts are. So far, and no farther authorized, they organized the government by the ordinance entitled a Constitution or Form of government. It pretends to no higher authority than the other ordinances of the same session; it does not say that it shall be perpetual; that it shall be unalterable by other legislatures; that it shall be transcendent above the powers of those who they knew would have equal power with themselves. Not only the silence of the instrument is a proof they thought it would be alterable, but their own practice also: for this very convention, meeting as a House of Delegates in General assembly with the new Senate in the autumn of that year,

passed acts of assembly in contradiction to their ordinance of government; and every assembly from that time to this has done the same. I am safe therefore in the position that the constitution itself is alterable by the ordinary legislature. Though this opinion seems founded on the first elements of common sense, yet is the contrary maintained by some persons. 1. Because, say they, the conventions were vested with every power necessary to make effectual opposition to Great Britain. But to complete this argument, they must go on and say further, that effectual opposition could not be made to Great Britain without establishing a form of government perpetual and unalterable by the legislature; which is not true. An opposition which at some time or other was to come to an end, could not need a perpetual institution to carry it on: and a government, amendable as its defects should be discovered, was as likely to make effectual resistance, as one which should be unalterably wrong. Besides, the assemblies were as much vested with all powers requisite for resistance as the Conventions were. If therefore these powers included that of modelling the form

of
in t
as t
men
of g
ven
be a
they
they
vi t
of t
conf
vert
quo
ab i
‘Sta
juris
gina
intr
law.
§. 1.
fyn

*
the
Eadv

of government in the one case they did so in the other. The assemblies then as well as the conventions may model the government; that is, they may alter the ordinance of government. 2. They urge that if the convention had meant that this instrument should be alterable, as their other ordinances were, they would have called it an ordinance: but they have called it a *constitution*, which *ex vi termini* means 'an act above the power of the ordinary legislature.' I answer that *constitutio*, *constitutum*, *statutum*, *lex*, are convertible terms. 'Constitutio dicitur jus quod a principe conditur.' 'Constitutum, quod ab imperatoribus rescriptum statutumve est.' 'Statutum, idem quod lex.' Calvini Lexicon juridicum. *Constitution* and *statute* were originally terms of the *civil law, and from thence introduced by Ecclesiastics into the English law. Thus in the statute 25. Hen. 8. c. 19. §. 1. 'Constitutions and ordinances' are used as synonymous. The term *constitution* has many

* To *bid*, to *set*, was the ancient legislative word of the English. Ll. Hlotharii & Eadrici, Ll. Inac. Ll. Eadwerdi. Ll. Aathelstani.

other significations in physics and in politics; but in Jurisprudence, whenever it is applied to any act of the legislature, it invariably means a statute, law, or ordinance, which is the present case. No inference then of a different meaning can be drawn from the adoption of this title: on the contrary, we might conclude that, by their affixing to it a term synonymous with ordinance, or statute, they meant it to be an ordinance or statute. But of what consequence is their meaning, where their power is denied? If they meant to do more than they had power to do, did this give them power? It is not the name, but the authority which renders an act obligatory. Lord Coke says, ‘ an
 ‘ article of the statute 11. R. 2. c. 5.
 ‘ that no person should attempt to re-
 ‘ voke any ordinance then made, is repeal-
 ‘ ed, for that such restraint is against the ju-
 ‘ risdiction and power of the parliament.’ 4.
 inst. 42. and again ‘ though divers parliaments
 ‘ have attempted to restrain subsequent par-
 ‘ liaments, yet could they never effect it;
 ‘ for the latter parliament hath ever power
 ‘ to abrogate, suspend, qualify, explain or
 ‘ make void the former in the whole or in

‘ any part thereof, notwithstanding any words
 ‘ of restraint, prohibition or penalty in the
 ‘ former: for it is a maxim in the laws of
 ‘ the parliament, quod leges posteriores pri-
 ‘ ores contrarias abrogant.’ 4. inst. 43. —

To get rid of the magic supposed to be in the word *constitution*, let us translate it into its definition as given by those who think it above the power of the law; and let us suppose the convention instead of saying ‘ We, the ordinary legislature, establish a *constitution*,’ had said, ‘ We, the ordinary legislature, establish an act *above the power of the ordinary legislature*.’ Does not this expose the absurdity of the attempt? 3. But say they, the people have acquiesced and this has given it an authority superior to the laws. It is true that the people did not rebel against it; and was that a time for the people to rise in rebellion? Should a prudent acquiescence, at a critical time, be construed into a confirmation of every illegal thing done during that period? Besides, why should they rebel? At an annual election, they had chosen delegates for the year, to exercise the ordinary powers of legislation, and to manage the great contest in which they were engaged. These

delegates thought the contest would be best managed by an organized government. They therefore, among others, passed an ordinance of government. They did not presume to call it perpetual and unalterable. They well knew they had no power to make it so; that our choice of them had been for no such purpose, and at a time when we could have no such purpose in contemplation. Had an unalterable form of government been meditated, perhaps we should have chosen a different set of people. There was no cause then for the people to rise in rebellion. But to what dangerous lengths will this argument lead? Did the acquiescence of the colonies under the various acts of power exercised by Great Britain in our infant state, confirm these acts, and so far invest them with the authority of the people as to render them unalterable, and our present resistance wrong? On every unauthoritative exercise of power by the legislature must the people rise in rebellion, or their silence be construed into a surrender of that power to them? If so, how many rebellions should we have had already? One certainly for every session of assembly. The other states in the Union have been of opinion,

nion, that to render a form of government unalterable by ordinary acts of assembly, the people must delegate persons with special powers. They have accordingly chosen special conventions to form and fix their governments. The individuals then who maintain the contrary opinion in this country, should have the modesty to suppose it possible that they may be wrong and the rest of America right. But if there be only a possibility of their being wrong, if only a plausible doubt remains of the validity of the ordinance of government, is it not better to remove that doubt, by placing it on a bottom which none will dispute? If they be right, we shall only have the unnecessary trouble of meeting once in convention. If they be wrong, they expose us to the hazard of having no fundamental rights at all. True it is, this is no time for deliberating on forms of government. While an enemy is within our bowels, the first object is to expel him. But when this shall be done, when peace shall be established, and leisure given us for intrenching within good forms, the rights for which we have bled, let no man be found indolent enough to de-

cline a little more trouble for placing them beyond the reach of question. If any thing more be requisite to produce a conviction of the expediency of calling a convention, at a proper season, to fix our form of government, let it be the reflection

6. That the assembly exercises a power of determining the Quorum of their own body which may legislate for us. After the establishment of the new form they adhered to the *Lex majoris partis*, founded in *common law as well as common right. It is the † natural law of every assembly of men, whose numbers are not fixed by any other law. They continued for some time to require the presence of a majority of their whole number, to pass an act. But the British parliament fixes its own quorum: our former assemblies fixed their own quorum: and one precedent in favour of power is stronger than an hundred against it. The house of delegates therefore have § lately voted that, dur-

* Bro. abr. Corporations. 31. 34. Hakewell, 93.

† Puff. Off. hom. l. 2. c. 6. §. 12.

§ June 4 1781.

ing the present dangerous invasion, forty members shall be a house to proceed to business. They have been moved to this by the fear of not being able to collect a house. But this danger could not authorize them to call that a house which was none: and if they may fix it at one number, they may at another, till it loses its fundamental character of being a representative body. As this vote expires with the present invasion, it is probable the former rule will be permitted to revive: because at present no ill is meant. The power however of fixing their own quorum has been avowed, and a precedent set. From forty it may be reduced to four, and from four to one: from a house to a committee, from a committee to a chairman or speaker, and thus an oligarchy or monarchy be substituted under forms supposed to be regular. ‘*Omnia mala exempla ex bonis orta sunt: sed ubi imperium ad ignaros aut minus bonos pervenit, novum illud exemplum ab dignis et idoneis ad indignos et non idoneos fertur.*’ When therefore it is considered that there is no legal obstacle to the assumption by the assembly of all the powers legislative, executive, and judiciary;

and that these may come to the hands of the smallest rag of delegation, surely the people will say, and their representatives, while yet they have honest representatives, will advise them to say that they will not acknowledge as laws any acts not considered and assented to by the major part of their delegates.

In enumerating the defects of the constitution, it would be wrong to count among them what is only the error of particular persons. In December 1776, our circumstances being much distressed, it was proposed in the house of delegates to create a *dictator*, invested with every power legislative, executive and judiciary, civil and military, of life and of death, over our persons and over our properties: and in June 1781, again under calamity, the same proposition was repeated, and wanted a few votes only of being passed.-----One who entered into this contest from a pure love of liberty, and a sense of injured rights, who determined to make every sacrifice, and to meet every danger, for the re-establishment of those rights on a firm basis, who did not mean to expend his blood and substance for the wretched pur-

pose of changing this master for that, but to place the powers of governing him in a plurality of hands of his own choice, so that the corrupt will of no one man might in future oppress him, must stand confounded and dismayed when he is told, that a considerable portion of that plurality had meditated the surrender of them into a single hand, and, in lieu of a limited monarch, to deliver him over to a despotic one ! How must he find his efforts and sacrifices abused and baffled, if he may still by a single vote be laid prostrate at the feet of one man ! In God's name from whence have they derived this power ? Is it from our ancient laws ? None such can be produced. Is it from any principle in our new constitution, expressed or implied ? Every lineament of that, expressed or implied, is in full opposition to it. Its fundamental principle is that the state shall be governed as a commonwealth. It provides a republican organization, proscribes under the name of *prerogative* the exercise of all powers undefined by the laws ; places on this basis the whole system of our laws ; and, by consolidating them together, chuses that they shall be left to stand or fall together, never

providing for any circumstances, nor admitting that such could arise, wherein either should be suspended, no, not for a moment. Our antient laws expressly declare, that those who are but delegates themselves shall not delegate to others powers which require judgment and integrity in their exercise.----Or was this proposition moved on a supposed right in the movers of abandoning their posts in a moment of distress? The same laws forbid the abandonment of that post, even on ordinary occasions; and much more a transfer of their powers into other hands and other forms, without consulting the people. They never admit the idea that these, like sheep or cattle, may be given from hand to hand without an appeal to their own will.-- Was it from the necessity of the case? Necessities which dissolve a government, do not convey its authority to an oligarchy or a monarchy. They throw back, into the hands of the people, the powers they had delegated, and leave them as individuals to shift for themselves. A leader may offer, but not impose himself, nor be imposed on them. Much less can their necks be submitted to his sword, their breath be held at his will or caprice,

The necessity which should operate these tremendous effects should at least be palpable and irresistible. Yet in both instances, where it was feared, or pretended with us, it was belied by the event. It was belied too by the preceding experience of our sister states, several of whom had grappled through greater difficulties without abandoning their forms of government. When the proposition was first made, Massachusetts had found even the government of committees sufficient to carry them through an invasion. But we at the time of that proposition were under no invasion. When the second was made, there had been added to this example those of Rhode-Island, New-York, New-Jersey, and Pennsylvania, in all of which the republican form had been found equal to the task of carrying them through the severest trials. In this state alone did there exist so little virtue that fear was to be fixed in the hearts of the people, and to become the motive of their exertions and the principle of their government? The very thought alone was treason against the people; was treason against mankind in general; as rivetting for ever the chains which bow down their necks, by gi-

ving to their oppressors a proof, which they would have trumpeted through the universe, of the imbecility of republican government, in times of pressing danger, to shield them from harm. Those who assume the right of giving away the reins of government in any case, must be sure that the herd, whom they hand on to the rods and hatchet of the dictator, will lay their necks on the block when he shall nod to them. But if our assemblies supposed such a resignation in the people, I hope they mistook their character. I am of opinion that the government, instead of being braced and invigorated for greater exertions under their difficulties, would have been thrown back upon the bungling machinery of county committees for administration, till a convention could have been called, and its wheels again set into regular motion. What a cruel moment was this for creating such an embarrassment, for putting to the proof the attachment of our countrymen to republican government! Those who meant well, of the advocates for this measure, (and most of them meant well for I know them personally, had been their fellow labourer in the common cause, and had

often proved the purity of their principles), had been seduced in their judgment by the example of an antient republic, whose constitution and circumstances were fundamentally different. They had sought this precedent in the history of Rome, where alone it was to be found, and where at length too it had proved fatal. They had taken it from a republic, rent by the most bitter factions and tumults, where the government was of a heavy handed unfeeling aristocracy, over a people ferocious and rendered desperate by poverty and wretchedness; tumults which could not be allayed under the most trying circumstances, but by the omnipotent hand of a single despot. Their constitution therefore allowed a temporary tyrant to be erected, under the name of a Dictator; and that temporary tyrant, after a few examples, became perpetual. They misapplied this precedent to a people, mild in their dispositions, patient under their trial, united for the public liberty, and affectionate to their leaders. But if from the constitution of the Roman government there resulted to their Senate a power of submitting all their rights to the will of one man, does it follow that

the assembly of Virginia have the same authority? What clause in our constitution has substituted that of Rome, by way of residuary provision, for all cases not otherwise provided for? Or if they may step ad libitum into any other form of government for precedents to rule us by, for what oppression may not a precedent be found in this world of the *bellum omnium in omnia*?--- Searching for the foundations of this proposition, I can find none which may pretend a colour of right or reason, but the defect before developed, that there being no barrier between the legislative, executive and judiciary departments, the legislature may seize the whole: that having seized it, and possessing a right to fix their own quorum, they may reduce that quorum to one, whom they may call a chairman, speaker, dictator, or by any other name they please.---Our situation is indeed perilous, and I hope my countrymen will be sensible of it, and will apply, at a proper season, the proper remedy; which is a convention to fix the constitution, to amend its defects, to bind up the several branches of government by certain laws, which when they transgress their acts shall

become nullities; to render unnecessary an appeal to the people, or in other words a rebellion, on every infraction of their rights, on the peril that their acquiescence shall be construed into an intention to surrender those rights.

Q U E R Y X I V .

THE administration of justice and description of the laws?

The state is divided into counties. In every county are appointed magistrates, called justices of the peace, usually from eight to thirty or forty in number, in proportion to the size of the county, of the most discreet and honest inhabitants. They are nominated by their fellows, but commissioned by the governor, and act without reward. These magistrates have jurisdiction both criminal and civil. If the question before them be a question of law only, they decide on it themselves: but if it be of fact, or of fact and law combined, it must be referred to a jury. In the latter case, of a combination of law and fact, it is usual for the jurors to decide

the fact, and to refer the law arising on it to the decision of the judges. But this division of the subject lies with their discretion only. And if the question relate to any point of public liberty, or if it be one of those in which the judges may be suspected of bias, the jury undertake to decide both law and fact. If they be mistaken, a decision against right, which is casual only, is less dangerous to the state, and less afflicting to the loser, than one which makes part of a regular and uniform system. In truth it is better to toss up cross and pile in a cause, than to refer it to a judge whose mind is warped by any motive whatever, in that particular case. But the common sense of twelve honest men gives still a better chance of just decision, than the hazard of cross and pile. These judges execute their process by the sheriff or coroner of the county, or by constables of their own appointment. If any free person commit an offence against the commonwealth, if it be below the degree of felony, he is bound by a justice to appear before their court to answer it on indictment or information. If it amount to felony, he is committed to jail, a court of these justices

is called; if they on examination think him guilty, they send him to the jail of the general court, before which court he is to be tried first by a grand jury of 24, of whom 13 must concur in opinion: if they find him guilty, he is then tried by a jury of 12 men of the county where the offence was committed, and by their verdict, which must be unanimous, he is acquitted or condemned without appeal. If the criminal be a slave the trial by the county court is final. In every case however, except that of high treason, there resides in the governor a power of pardon. In high treason, the pardon can only flow from the general assembly. In civil matters these justices have jurisdiction in all cases of whatever value, not appertaining to the department of the admiralty. This jurisdiction is twofold. If the matter in dispute be of less value than $4\frac{1}{2}$ dollars, a single member may try it at any time and place within his county, and may award execution on the goods of the party cast. If it be of that or greater value, it is determinable before the county court, which consists of four at the least of those justices, and assembles at the court house of the county on a certain day

in every month. From their determination, if the matter be of the value of ten pounds sterling, or concern the title or bounds of lands, an appeal lies to one of the superior courts.

There are three superior courts, to wit, the high court of chancery, the general court, and court of admiralty. The first and second of these receive appeals from the county courts, and also have original jurisdiction where the subject of controversy is of the value of ten pounds sterling, or where it concerns the title or bounds of land. The jurisdiction of the admiralty is original altogether. The high court of chancery is composed of three judges, the general court of five, and the court of admiralty of three. The two first hold their sessions at Richmond at stated times, the chancery twice in the year, and the general court twice for business civil and criminal, and twice more for criminal only. The court of admiralty sits at Williamsburgh whenever a controversy arises.

There is one supreme court, called the court of appeals, composed of the judges of the three superior courts, assembling twice a year at stated times at Richmond. This court

rec
of
fin
I
ers
Sta
Sta
din
ties
befo
But
ty
the
are
they
men
deat
tried
othe
Al
of a
poin
whor
fied
may
cour

receives appeals in all civil cases from each of the superior courts, and determines them finally. But it has no original jurisdiction.

If a controversy arise between two foreigners of a nation in alliance with the United States, it is decided by the Consul for their State, or, if both parties chuse it, by the ordinary courts of justice. If one of the parties only be such a foreigner, it is triable before the courts of justice of the country. But if it shall have been instituted in a country court, the foreigner may remove it into the general court, or court of chancery, who are to determine it at their first sessions, as they must also do if it be originally commenced before them. In cases of life and death, such foreigners have a right to be tried by a jury, the one half foreigners, the other natives.]

All public accounts are settled with a board of auditors, consisting of three members, appointed by the general assembly, any two of whom may act. But an individual, dissatisfied with the determination of that board, may carry his case into the proper superior court.

A description of the laws.

The general assembly was constituted, as has been already shewn, by letters patent of March the 9th 1607, in the 4th year of the reign of James the first. The laws of England seem to have been adopted by consent of the settlers, which might easily enough be done whilst they were few and living all together. Of such adoption however we have no other proof than their practice till the year 1661, when they were expressly adopted by an act of the assembly, except so far as 'a difference of condition' rendered them inapplicable. Under this adoption, the rule, in our courts of judicature, was that the common law of England, and the general statutes previous to the 4th of James, were in force here; but that no subsequent statutes were, *unless we were named in them*, said the judges and other partisans of the crown, but *named or not named* said those who reflected freely. It will be unnecessary to attempt a description of the laws of England, as that may be found in English publications. To those which were established here, by the adoption of the legislature, have been since added a number of
acts

acts of assembly passed during the monarchy, and ordinances of convention and acts of assembly enacted since the establishment of the republic. The following variations from the British model are perhaps worthy of being specified.

Debtors unable to pay their debts, and making faithful delivery of their whole effects, are released from confinement, and their persons for ever discharged from restraint for such previous debts: but any property they may afterwards acquire will be subject to their creditors.

The poor, unable to support themselves, are maintained by an assessment on the titheable persons in their parish. This assessment is levied and administered by twelve persons in each parish, called vestrymen, originally chosen by the housekeepers of the parish, but afterwards filling vacancies in their own body by their own choice. These are usually the most discreet farmers, so distributed through their parish, that every part of it may be under the immediate eye of some one of them. They are well acquainted with the details and œconomy of private life, and they find sufficient inducements to execute

their charge well, in their philanthropy, in the approbation of their neighbours, and the distinction which that gives them. The poor who have neither property, friends, nor strength to labour, are boarded in the houses of good farmers, to whom a stipulated sum is annually paid. To those who are able to help themselves a little, or have friends from whom they derive some succours, inadequate however to their full maintenance, supplementary aids are given, which enable them to live comfortably in their own houses, or in the houses of their friends. Vagabonds, without visible property or vocation, are placed in work-houses, where they are well cloathed, fed, lodged, and made to labour. Nearly the same method of providing for the poor prevails through all our states; and from Savannah to Portsmouth you will seldom meet a beggar. In the larger towns indeed they sometimes present themselves. These are usually foreigners, who have never obtained a settlement in any parish. I never yet saw a native American begging in the streets or highways. A subsistence is easily gained here: and if, by misfortunes, they are thrown on the charities of the world, those provided by their own country are so comfortable and so certain,

that they never think of relinquishing them to become strolling beggars. Their situation too, when sick, in the family of a good farmer, where every member is envious to do them kind offices, where they are visited by all the neighbours, who bring them the little rarities which their sickly appetites may crave, and who take by rotation the nightly watch over them, when their condition requires it, is without comparison better than in a general hospital, where the sick, the dying and the dead are crammed together, in the same rooms, and often in the same beds. The disadvantages, inseparable from general hospitals, are such as can never be counterpoised by all the regularities of medicine and regimen. Nature and kind nursing save a much greater proportion in our plain way, at a smaller expence, and with less abuse. One branch only of hospital institution is wanting with us; that is a general establishment for those labouring under difficult cases of chirurgery. The aids of this art are not equivocal. But an able chirurgeon cannot be had in every parish. Such a receptacle should therefore be provided for those patients: but no others should be admitted.

Marriages must be solemnized either on special licence, granted by the first magistrate of the county, on proof of the consent of the parent or guardian of either party under age, or after solemn publication, on three several Sundays, at some place of religious worship, in the parishes where the parties reside. The act of solemnization may be by the minister of any society of christians, who shall have been previously licensed for this purpose by the court of the county. Quakers and Menonists however are exempted from all these conditions, and marriage among them is to be solemnized by the society itself.

A foreigner of any nation, not in open war with us, becomes naturalized by removing to the state to reside, and taking an oath of fidelity : and thereupon acquires every right of a native citizen : and citizens may divest themselves of that character, by declaring, by solemn deed, or in open court, that they mean to expatriate themselves, and no longer to be citizens of ~~that~~^{this} state.

Conveyances of land must be registered in the court of the county wherein they lie, or in the general court, or they are void,

as to creditors, and subsequent purchasers.

Slaves pass by descent and dower as lands do. Where the descent is from a parent, the heir is bound to pay an equal share of their value in money to each of his brothers and sisters.

Slaves, as well as lands, were entailable during the monarchy : but, by an act of the first republican assembly, all donees in tail, present and future, were vested with the absolute dominion of the entailed subject.

Bills of exchange, being protested, carry 10 per cent. interest from their date.

No person is allowed, in any other case, to take more than five per centum per annum simple interest, for the loan of monies.

Gaming debts are made void, and monies actually paid to discharge such debts (if they exceeded 40 shillings) may be recovered by the payer within three months, or by any other person afterwards.

Tobacco, flour, beef, pork, tar, pitch, and turpentine must be inspected by persons publicly appointed before they can be exported.

The erecting iron-works and mills is encouraged by many privileges; with necessary cautions however to prevent their dams from obstructing the navigation of the water courses. The general assembly have on several occasions shewn a great desire to encourage the opening the great falls of James and Patowmac rivers. As yet however neither of these have been effected.

The laws have also descended to the preservation and improvement of the races of useful animals, such as horses, cattle, deer; to the extirpation of those which are noxious, as wolves, squirrels, crows, blackbirds; and to the guarding our citizens against infectious disorders, by obliging suspected vessels coming into the state to perform quarantine, and by regulating the conduct of persons having such disorders within the state.

The mode of acquiring lands, in the earliest times of our settlement, was by petition to the general assembly. If the lands prayed for were already cleared of the Indian title, and the assembly thought the prayer reasonable, they passed the property by their vote to the petitioner. But if they had not yet been ceded by the Indians, it was neces-

sary that the petitioner should previously purchase their right. This purchase the assembly verified, by enquiries of the Indian proprietors ; and being satisfied of its reality and fairness, proceeded further to examine the reasonableness of the petition, and its consistence with policy ; and, according to the result, either granted or rejected the petition. The company also sometimes, though very rarely, granted lands, independantly of the general assembly. As the colony increased, and individual applications for land multiplied, it was found to give too much occupation to the general assembly to enquire into and execute the grant in every special case. They therefore thought it better to establish general rules, according to which all grants should be made, and to leave to the governor the execution of them, under these rules. This they did by what have been usually called the land laws, amending them from time to time, as their defects were developed. According to these laws, when an individual wished a portion of unappropriated land, he was to locate and survey it by a public officer, appointed for that purpose : its breadth was to bear a certain pro-

portion to its length: the grant was to be executed by the governor: and the lands were to be improved in a certain manner, within a given time. From these regulations there resulted to the state a sole and exclusive power of taking conveyances of the Indian right of soil; since, according to them, an Indian conveyance alone could give no right to an individual, which the laws would acknowledge. The state, or the crown, thereafter, made general purchases of the Indians from time to time, and the governor parcelled them out by special grants, conformed to the rules before described, which it was not in his power, or in that of the crown to dispense with. Grants, unaccompanied by their proper legal circumstances, were set aside regularly by *scire facias*, or by bill in Chancery. Since the establishment of our new government, this order of things is but little changed. An individual, wishing to appropriate to himself lands still unappropriated by any other, pays to the public treasurer a sum of money proportioned to the quantity he wants. He carries the treasurer's receipt to the auditors of public accounts, who thereupon debit the treasurer

with the sum, and order the register of the land-office to give the party a warrant for his land. With this warrant from the register, he goes to the surveyor of the county where the land lies on which he has cast his eye. The Surveyor lays it off for him, gives him its exact description, in the form of a certificate, which certificate he returns to the land-office, where a grant is made out, and is signed by the governor. This vests in him a perfect dominion in his lands, transmissible to whom he pleases by deed or will, or by descent to his heirs if he die intestate.

Many of the laws which were in force during the monarchy being relative merely to that form of government, or inculcating principles inconsistent with republicanism, the first assembly which met after the establishment of the commonwealth appointed a committee to revise the whole code, to reduce it into proper form and volume, and report it to the assembly. This work has been executed by three gentlemen and reported; but probably will not be taken up till a restoration of peace shall leave

to the legislature leisure to go through such a work.

The plan of the revival was this. The common law of England, by which is meant that part of the English law which was anterior to the date of the oldest statutes extant, is made the basis of the work. It was thought dangerous to attempt to reduce it to a text: it was therefore left to be collected from the usual monuments of it. Necessary alterations in that, and so much of the whole body of the British statutes, and of acts of assembly, as were thought proper to be retained, were digested into 126 new acts, in which simplicity of stile was aimed at, as far as was safe. The following are the most remarkable alterations proposed:

To change the rules of descent, so as that the lands of any person dying intestate shall be divisible equally among all his children or other representatives in equal degree.

To make slaves distributable among the next of kin, as other moveables.

To have all public expences, whether of the general treasury, or of a parish or county, (as for the maintenance of the poor, building bridges, court-houses, &c.) supplied by af-

assessments on the citizens, in proportion to their property.

To hire undertakers for keeping the public roads in repair, and indemnify individuals through whose lands new roads shall be opened.

To define with precision the rules whereby aliens should become citizens, and citizens make themselves aliens.

To establish religious freedom on the broadest bottom.

To emancipate all slaves born after passing the act. The bill reported by the revisors does not itself contain this proposition; but an amendment containing it was prepared, to be offered to the legislature whenever the bill should be taken up, and further directing that they should continue with their parents to a certain age, then be brought up, at the public expence to tillage, arts or sciences, according to their geniusses, till the females should be eighteen, and the males twenty-one years of age, when they should be colonized to such place as the circumstances of the time should render most proper, sending them out with arms, implements of household and of the handicraft arts, seeds, pairs of the

useful domestic animals, &c. to declare them a free and independant people, and extend to them our alliance and protection, till they shall have acquired strength; and to send vessels at the same time to other parts of the world for an equal number of white inhabitants; to induce whom to migrate hither, proper encouragements were to be proposed. It will probably be asked, Why not retain and incorporate the blacks into the state, and thus save the expence of supplying, by importation of white settlers, the vacancies they will leave? Deep rooted prejudices entertained by the whites; ten thousand recollections, by the blacks, of the injuries they have sustained; new provocations; the real distinctions which nature has made; and many other circumstances, will divide us into parties, and produce convulsions which will probably never end but in the extermination of the one or the other race.--To these objections which are political, may be added others which are physical and moral. The first difference which strikes us is that of colour. Whether the black of the negro resides in the reticular membrane between the skin and scarf skin, or in the scarf skin itself;

whether it proceeds from the colour of the blood, the colour of the bile, or from that of some other secretion, the difference is fixed in nature, and is as real as if its seat and cause were better known to us. And is this difference of no importance? Is it not the foundation of a greater or less share of beauty in the two races? Are not the fine mixtures of red and white, the expressions of every passion by greater or less suffusions of colour in the one, preferable to that eternal monotony, which reigns in the countenances, that immoveable veil of black which covers all the emotions of the other race? Add to these, flowing hair, a more elegant symmetry of form, their own judgment in favour of the whites, declared by their preference of them as uniformly as is the preference of the Oran-ootan for the black women over those of his own species. The circumstance of superior beauty, is thought worthy attention in the propagation of our horses, dogs and other domestic animals; why not in that of man? Besides those of colour, figure, and hair, there are other physical distinctions proving a difference of race. They have less hair on the face and body. They secrete

less by the kidneys, and more by the glands of the skin, which gives them a very strong and disagreeable odour. This greater degree of transpiration renders them more tolerant of heat, and less so of cold, than the whites. Perhaps too a difference of structure in the pulmonary apparatus, which a late ingenious *experimentalist has discovered to be the principal regulator of animal heat, may have disabled them from extricating, in the act of inspiration, so much of that fluid from the outer air, or obliged them in expiration, to part with more of it. They seem to require less sleep. A black, after hard labour through the day, will be induced by the slightest amusements to sit up till midnight or later, though knowing he must be out with the first dawn of the morning. They are at least as brave, and more adventuresome. But this may perhaps proceed from a want of forethought, which prevents their seeing a danger till it be present. When present, they do not go through it with more coolness or stea-

* Crawford.

diness than the whites. They are more ardent after their female: but love seems with them to be more an eager desire, than a tender delicate mixture of sentiment and sensation. Their griefs are transient. Those numberless afflictions which render it doubtful whether heaven has given life to us in mercy or in wrath, are less felt, and sooner forgotten with them. In general, their existence appears to participate more of sensation than reflection. To this must be ascribed their disposition to sleep when abstracted from their diversions, and unemployed in labour. An animal whose body is at rest, and who does not reflect, must be disposed to sleep of course. Comparing them by their faculties of memory, reason, and imagination, it appears to me that in memory they are equal to the whites; in reason much inferior, as I think one could scarcely be found capable of tracing and comprehending the investigations of Euclid: and that in imagination they are dull, tasteless, and anomalous. It would be unfair to follow them to Africa for this investigation. We will consider them here, on the same stage with the whites, and where the facts are not apocryphal on which a judgment is to be

formed. It will be right to make great allowances for the difference of condition, of education, of conversation, of the sphere in which they move. Many millions of them have been brought to, and born in America. Most of them indeed have been confined to tillage, to their own homes, and their own society: yet many have been so situated that they might have availed themselves of the conversation of their masters; many have been brought up to the handicraft arts, and from that circumstance have always been associated with the whites. Some have been liberally educated, and all have lived in countries where the arts and sciences are cultivated to a considerable degree, and have had before their eyes samples of the best works from abroad. The Indians, with no advantages of this kind, will often carve figures on their pipes not destitute of design and merit. They will crayon out an animal, a plant, or a country, so as to prove the existence of a germ in their minds which only wants cultivation. They astonish you with strokes of the most sublime oratory; such as prove their reason and sentiment strong, their imagination

*
they b
of the
thord

imagination glowing and elevated. But never yet could I find that a black had uttered a thought above the level of plain narration; never see even an elementary trait of painting or sculpture. In music they are more generally gifted than the whites with accurate ears for tune and time, and they have been found capable of imagining a small catch.* Whether they will be equal to the composition of a more extensive run of melody, or of complicated harmony, is yet to be proved. Misery is often the parent of the most affecting touches in poetry.— Among the blacks is misery enough, God knows, but no poetry. Love is the peculiar oestrum of the poet. Their love is ardent, but it kindles the senses only, not the imagination. Religion indeed has produced a Phyllis Whately; but it could not produce a poet. The compositions published under her name are below the dignity of criticism. The heroes of the Dunciad are to her, as Hercules to the author of that poem. Ignat-

* The instrument proper to them is the Banjar, which they brought hither from Africa, and which is the original of the guitar, its chords being precisely the four lower chords of the guitar.

tius Sancho has approached nearer to merit in composition. Yet his letters do more honour to the heart than the head. They breathe the purest effusions of friendship and general philanthropy, and shew how great a degree of the latter may be compounded with strong religious zeal. He is often happy in the turn of his compliments, and his style is easy and familiar, except when he affects a Shandean fabrication of words. But his imagination is wild and extravagant, escapes incessantly from every restraint of reason and taste, and, in the course of its vagaries, leaves a tract of thought as incoherent and eccentric as is the course of a meteor through the sky. His subjects should often have led him to a process of sober reasoning: yet we find him always substituting sentiment for demonstration. Upon the whole, though we admit him to the first place among those of his own colour who have presented themselves to the public judgment, yet when we compare him with the writers of the race among whom he lived, and particularly with the epistolary class in which he has taken his own stand, we are compelled to enroll him at the bottom of the column.

This criticism supposes the letters published under his name to be genuine, and to have received amendment from no other hand; points which would not be of easy investigation. The improvement of the blacks in body and mind, in the first instance of their mixture with the whites, has been observed by every one, and proves that their inferiority is not the effect merely of their condition of life. We know that among the Romans, about the Augustan age especially, the condition of their slaves was much more deplorable than that of the blacks on the continent of America. The two sexes were confined in separate apartments, because to raise a child cost the master more than to buy one. Cato, for a very restricted indulgence to his slaves in this particular, * took from them a certain price. But in this country the slaves multiply as fast as the free inhabitants. Their situation and manners place the commerce between the two sexes almost without restraint.—

* Τὸς δούλους ἐτάζειν ὀρίσμενα νομισμῶτες ὁμίλει τὰς θύρας καίνας. Plutarch. Cato.

The same Cato, on a principle of œconomy, always sold his sick and superannuated slaves. He gives it as a standing precept to a master visiting his farm, to sell his old oxen, old waggons, old tools, old and diseased servants, and every thing else become useless. ‘Vendat boves vetulos, plaustrum vetus, ferramenta vetera, servum senem, servum morbosum, & si quid aliud supersit vendat.’ Cato de re rusticâ. c. 2. The American slaves cannot enumerate this among the injuries and insults they receive. It was the common practice to expose in the island of Æsculapius, in the Tyber, diseased slaves whose cure was like to become tedious. The Emperor Claudius, by an edict, gave freedom to such of them as should recover, and first declared that if any person chose to kill rather than to expose them, it should be deemed homicide. The exposing them is a crime of which no instance has existed with us; and were it to be followed by death, it would be punished capitally. We are told of a certain Vedius Pollio who, in the presence of Augustus, would have given a slave as food to his fish, for having broken a glass. With the Romans, the regular method of tak-

Suet.
Claud. 25.

ing the evidence of their slaves was under torture. Here it has been thought better never to resort to their evidence. When a master was murdered, all his slaves, in the same house, or within hearing, were condemned to death. Here punishment falls on the guilty only, and as precise proof is required against him as against a freeman. Yet notwithstanding these and other discouraging circumstances among the Romans, their slaves were often their rarest artists. They excelled too in science, infomuch as to be usually employed as tutors to their master's children. Epictetus, Terence, and Phaedrus were slaves. But they were of the race of whites. It is not their condition then, but nature, which has produced the distinction.—Whether further observation will or will not verify the conjecture that nature has been less bountiful to them in the endowments of the head, I believe that in those of the heart she will be found to have done them justice. That disposition to theft with which they have been branded, must be ascribed to their situation, and not to any depravity of the moral sense. The man, in whose favour no laws of property exist, probably feels himself less

bound to respect those made in favour of others. When arguing for ourselves, we lay it down as a fundamental that laws, to be just, must give a reciprocation of right: that, without this, they are mere arbitrary rules of conduct, founded in force, and not in conscience: and it is a problem which I give to the master to solve, whether the religious precepts against the violation of property were not framed for him as well as his slave? And whether the slave may not as justifiably take a little from one, who has taken all from him, as he may slay one who would slay him? That a change in the relations in which a man is placed should change his ideas of moral right and wrong, is neither new, nor peculiar to the colour of the blacks. Homer tells us it was so 2600 years ago.

*Ἡμῖν, ὅτ' ἀρετῆς ἀποκίναται εὐρύοπα Ζεὺς
Ἄνθρωπος, εὐτ' ἂν μιν κατὰ δούλιον ἡμᾶς ἔλθῃν. Od. 17. 323.*

Jove fix'd it certain, that whatever day
Makes man a slave, takes half his worth away.

But the slaves of which Homer speaks were whites. Notwithstanding these considerations which must weaken their respect for the laws of property, we find among them numerous

instances of the most rigid integrity, and as many as among their better instructed masters of benevolence, gratitude, and unshaken fidelity.--The opinion, that they are inferior in the faculties of reason and imagination, must be hazarded with great diffidence. To justify a general conclusion, requires many observations, even where the subject may be submitted to the Anatomical knife, to Optical glasses, to analysis by fire, or by solvents. How much more then where it is a faculty, not a substance we are examining; where it eludes the research of all the senses; where the conditions of its existence are various and variously combined; where the effects of those which are present or absent bid defiance to calculation; let me add too, as a circumstance of great tenderness, where our conclusion would degrade a whole race of men from the rank in the scale of beings which their creator may perhaps have given them. To our reproach it must be said that, though for a century and a half we have had under our eyes the races of black and of red men, they have never yet been viewed by us as subjects of natural history. I advance it

therefore as a suspicion only, that the blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to the whites in the endowments both of body and mind. It is not against experience to suppose that different species of the same genus, or varieties of the same species, may possess different qualifications. Will not a lover of natural history then, one who views the gradations in all the races of animals with the eye of philosophy, excuse an effort to keep those in the department of man as distinct as nature has formed them? This unfortunate difference of colour, and perhaps of faculty, is a powerful obstacle to the emancipation of these people. Many of their advocates, while they wish to vindicate the liberty of human nature, are anxious also to preserve its dignity and beauty. Some of these, embarrassed by the question 'What further is to be done with them?' join themselves in opposition with those who are actuated by sordid avarice only. Among the Romans emancipation required but one effort. The slave, when made free, might mix with, without staining the blood of his

master. But with us a second is necessary, unknown to history. When freed, he is to be removed beyond the reach of mixture.

The revised code further proposes to proportion crimes and punishments. This is attempted on the following scale:

I. Crimes whose punishment extends to *Life*.

1. High treason. Death by hanging.
Forfeiture of lands and goods to the commonwealth.
2. Petty treason. Death by hanging.
Forfeiture of half the lands and goods to the representatives of the party slain.
3. Murder. 1. by poison. Death by poison.
Forfeiture of one half as before.
2. in Duel. Death by hanging. Gibbeting, if the challenger.
Forfeiture of one half as before, unless it be the party challenged,
then the forfeiture is to the commonwealth.
3. in any other way. Death by hanging.
Forfeiture of one half as before.

II. Crimes whose punishment goes to *Limb*.

1. Rape, }
2. Sodomy, } Dismemberment.
3. Maiming, }
4. Disfiguring, } Retaliation, and the forfeiture of half the lands and goods to the sufferer.

III. Crimes punishable by *Labour*.

1. Manslaughter, 1st offence. Labour VII. years for the public. Forfeiture of half as in murder.
2. Counterfeiting money. Labour VI. years. Forfeiture of lands and goods to the commonwealth.

3. Arson.	Labour V. years.	Reparation threefold.
4. Asportation of vessels.		
5. Robbery.	Labour IV. years.	Reparation double.
6. Burglary.		
7. Housebreaking.	Labour III. years.	Reparation.
8. Horse stealing.		
9. Grand Larceny.	Labour II. years.	Reparation. - Pillory.
10. Petty Larceny.	Labour I. year.	Reparation. - Pillory.
11. Pretensions to witchcraft, &c. Ducking.		Stripes.
12. Excusable homicide.		
13. Suicide.	to be pitied, not punished.	
14. Apostacy. Heresy.		

Pardon and privilege of clergy are proposed to be abolished; but if the verdict be against the defendant, the court in their discretion, may allow a new trial. No attainder to cause a corruption of blood, or forfeiture of dower. Slaves guilty of offences punishable in others by labour, to be transported to Africa, or elsewhere, as the circumstances of the time admit, there to be continued in slavery. A rigorous regimen proposed for those condemned to labour.

Another object of the revival is, to diffuse knowledge more generally through the mass of the people. This bill proposes to lay off every county into small districts of five or six miles square, called hundreds, and in each of them to establish a school for teaching reading, writing, and arithmetic. The tutor to be supported by the hundred, and every person in it entitled to send their children three years gratis, and as much longer as they please, paying for it. These schools to be under a visitor, who is annually to chuse the boy, of best genius in the school, of those whose parents are too poor to give them further education, and to send him forward to one of the grammar schools, of which twen-

ty
par
Lat
of
sent
the
the
tinu
By
will
be i
the
year
nue
will
ters
cho
dispe
thre
they
lege
large
exte
tima
tion
of t
arith

ty are proposed to be erected in different parts of the country, for teaching Greek, Latin, geography, and the higher branches of numerical arithmetic. Of the boys thus sent in any one year, trial is to be made at the grammar schools one or two years, and the best genius of the whole selected and continued six years, and the residue dismissed. By this means twenty of the best geniusses will be raked from the rubbish annually, and be instructed, at the public expence, so far as the grammar schools go. At the end of six years instruction, one half are to be discontinued (from among whom the grammar schools will probably be supplied with future masters); and the other half, who are to be chosen for the superiority of their parts and disposition, are to be sent and continued three years in the study of such sciences as they shall chuse, at William and Mary college, the plan of which is proposed to be enlarged, as will be hereafter explained, and extended to all the useful sciences. The ultimate result of the whole scheme of education would be the teaching all the children of the state reading, writing, and common arithmetic: turning out ten annually of su-

perior genius, well taught in Greek, Latin, geography and the higher branches of arithmetic: turning out ten others annually, of still superior parts, who, to those branches of learning, shall have added such of the sciences as their genius shall have led them to: the furnishing to the wealthier part of the people convenient schools, at which their children may be educated, at their own expence.—The general objects of this law are to provide an education adapted to the years, to the capacity, and the condition of every one, and directed to their freedom and happiness. Specific details were not proper for the law. These must be the business of the visitors entrusted with its execution. The first stage of this education being the schools of the hundreds, wherein the great mass of the people will receive their instruction, the principal foundations of future order will be laid here. Instead therefore of putting the Bible and Testament into the hands of the children, at an age when their judgments are not sufficiently matured for religious enquiries, their memories may here be stored with the most useful facts from Græcian, Roman, European and American history. The first

elements of morality too may be instilled into their minds ; such as, when further developed as their judgments advance in strength, may teach them how to work out their own greatest happiness, by shewing them that it does not depend on the condition of life in which chance has placed them, but is always the result of a good conscience, good health, occupation, and freedom in all just pursuits.

—Those whom either the wealth of their parents or the adoption of the state shall destine to higher degrees of learning, will go on to the grammar schools, which constitute the next stage, there to be instructed in the languages. The learning Greek and Latin, I am told, is going into disuse in Europe. I know not what their manners and occupations may call for : but it would be very ill-judged in us to follow their example in this instance. There is a certain period of life, say from eight to fifteen or sixteen years of age, when the mind, like the body, is not yet firm enough for laborious and close operations. If applied to such, it falls an early victim to premature exertion ; exhibiting indeed at first, in these young and tender subjects, the flattering appearance of their be-

ing men while they are yet children, but ending in reducing them to be children when they should be men. The memory is then most susceptible and tenacious of impressions; and the learning of languages being chiefly a work of memory, it seems precisely fitted to the powers of this period, which is long enough too for acquiring the most useful languages antient and modern. I do not pretend that language is science. It is only an instrument for the attainment of science. But that time is not lost which is employed in providing tools for future operation: more especially as in this case the books put into the hands of the youth for this purpose may be such as will at the same time impress their minds with useful facts and good principles. If this period be suffered to pass in idleness, the mind becomes lethargic and impotent, as would the body it inhabits if unexercised during the same time. The sympathy between body and mind during their rise, progress and decline, is too strict and obvious to endanger our being misled while we reason from the one to the other.—As soon as they are of sufficient age, it is supposed they will be sent on from the grammar schools to the university,

university, which constitutes our third and last stage, there to study those sciences which may be adapted to their views.—By that part of our plan which prescribes the selection of the youths of genius from among the classes of the poor, we hope to avail the state of those talents which nature has sown as liberally among the poor as the rich, but which perish without use if not sought for and cultivated.—But of all the views of this law, none is more important, none more legitimate, than that of rendering the people the safe, as they are the ultimate, guardians of their own liberty. For this purpose the reading in the first stage, where *they* will receive their whole education, is proposed, as has been said, to be chiefly historical. History by apprising them of the past will enable them to judge of the future; it will avail them of the experience of other times and other nations; it will qualify them as judges of the actions and designs of men; it will enable them to know ambition under every disguise it may assume; and knowing it, to defeat its views. In every government on earth is some trace of human weakness, some germ of corruption and degene-

racy, which cunning will discover, and wickedness insensibly open, cultivate, and improve. Every government degenerates when trusted to the rulers of the people alone. The people themselves therefore are its only safe depositories. And to render even them safe their minds must be improved to a certain degree. This indeed is not all that is necessary, though it be essentially necessary. An amendment of our constitution must here come in aid of the public education. The influence over government must be shared among all the people. If every individual which composes their mass participates of the ultimate authority, the government will be safe; because the corrupting the whole mass will exceed any private resources of wealth: and public ones cannot be provided but by levies on the people. In this case every man would have to pay his own price. The government of Great Britain has been corrupted because but one man in ten has a right to vote for members of parliament. The sellers of the government therefore get nine-tenths of their price clear. It has been thought that corruption is restrained by confining the right of suffrage to a few of the wealthier people: but

it would be more effectually restrained by an extension of that right to such numbers as would bid defiance to the means of corruption.

Lastly it is proposed, by a bill in this revival, to begin a public library and gallery, by laying out a certain sum annually in books, paintings and statues.

Q U E R Y X V.

THE colleges and public establishments, Colleges,
Buildings,
Roads, &c.
the roads, buildings, &c.?

The college of William and Mary is the only public seminary of learning in this state. It was founded in the time of king William and queen Mary, who granted to it 20,000 acres of land, and a penny a pound duty on certain tobaccos exported from Virginia and Maryland, which had been levied by the statute of 25 Car. 2. The assembly also gave it, by temporary laws, a duty on liquors imported, and skins and furs exported. From these resources it received upwards of 3000l. communibus annis. The buildings are of brick, sufficient for an indifferent accommo-

dation of perhaps an hundred students. By its charter it was to be under the government of twenty visitors, who were to be its legislators, and to have a president and six professors, who were incorporated. It was allowed a representative in the general assembly. Under this charter, a professorship of the Greek and Latin languages, a professorship of mathematics, one of moral philosophy, and two of divinity were established. To these were annexed, for a sixth professorship, a considerable donation by Mr. Boyle of England, for the instruction of the Indians and their conversion to Christianity. This was called the professorship of Brafferton, from an estate of that name in England, purchased with the monies given. The admission of the learners of Latin and Greek filled the college with children. This rendering it disagreeable and degrading to young gentlemen already prepared for entering on the sciences, they were discouraged from resorting to it, and thus the schools for mathematics and moral philosophy, which might have been of some service, became of very little. The revenues too were exhausted in accommodating those who came only

to acquire the rudiments of science. After the present revolution, the visitors, having no power to change those circumstances in the constitution of the college which were fixed by the charter, and being therefore confined in the number of professorships, undertook to change the objects of the professorships. They excluded the two schools for divinity, and that for the Greek and Latin languages, and substituted others; so that at present they stand thus:

A Professorship for Law and Police:

Anatomy and Medecine:

Natural Philosophy and Mathematics:

Moral Philosophy, the Law of Nature and Nations, the Fine Arts:

Modern Languages:

For the Brafferton.

And it is proposed, so soon as the legislature shall have leisure to take up this subject, to desire authority from them to increase the number of professorships, as well for the purpose of subdividing those already instituted, as of adding others for other branches of science. To the professorships usually established in the universities of Europe, it

would seem proper to add one for the ancient languages and literature of the North, on account of their connection with our own language, laws, customs and history. The purposes of the Brafferton institution would be better answered by maintaining a perpetual mission among the Indian tribes, the object of which, besides instructing them in the principles of Christianity, as the founder requires, should be to collect their traditions, laws, customs, languages and other circumstances which might lead to a discovery of their relation with one another, or descent from other nations. When these objects are accomplished with one tribe, the missionary might pass on to another.

The roads are under the government of the county courts, subject to be controuled by the general court. They order new roads to be opened wherever they think them necessary. The inhabitants of the county are by them laid off into precincts, to each of which they allot a convenient portion of the public roads to be kept in repair. Such bridges as may be built without the assistance of artificers, they are to build. If the stream be such as to require a bridge of regular

workmanship, the court employs workmen to build it, at the expence of the whole county. If it be too great for the county, application is made to the general assembly, who authorize individuals to build it, and to take a fixed toll from all passengers, or give sanction to such other proposition as to them appears reasonable.

Ferries are admitted only at such places as are particularly pointed out by law, and the rates of ferriage are fixed.

Taverns are licensed by the courts, who fix their rates from time to time.

The private buildings are very rarely constructed of stone or brick; much the greatest proportion being of scantling and boards, plaistered with lime. It is impossible to devise things more ugly, uncomfortable, and happily more perishable. There are two or three plans, on one of which, according to its size, most of the houses in the state are built. The poorest people build huts of logs, laid horizontally in pens, stopping the interstices with mud. These are warmer in winter, and cooler in summer, than the more expensive constructions of scantling and plank. The wealthy are attentive to the raising of

vegetables, but very little so to fruits. The poorer people attend to neither, living principally on milk and animal diet. This is the more inexcusable, as the climate requires indispensably a free use of vegetable food, for health as well as comfort, and is very friendly to the raising of fruits.--The only public buildings worthy mention are the Capitol, the Palace, the College, and the Hospital for Lunatics, all of them in Williamsburg, heretofore the seat of our government. The Capitol is a light and airy structure, with a portico in front of two orders, the lower of which, being Doric, is tolerably just in its proportions and ornaments, save only that the intercolonnations are too large. The upper is Ionic, much too small for that on which it is mounted, its ornaments not proper to the order, nor proportioned within themselves. It is crowned with a pediment, which is too high for its span. Yet, on the whole, it is the most pleasing piece of architecture we have. The Palace is not handsome without: but it is spacious and commodious within, is prettily situated, and, with the grounds annexed to it, is capable of being made an elegant seat. The Col-

lege and Hospital are rude, mis-shapen piles,
 which, but that they have roofs, would be
 taken for brick-kilns. There are no other
 public buildings but churches and court-
 houses, in which no attempts are made at
 elegance. Indeed it would not be easy to
 execute such an attempt, as a workman could
 scarcely be found here capable of drawing an
 order. The genius of architecture seems to
 have shed its maledictions over this land.
 Buildings are often erected, by individuals,
 of considerable expence. To give these sym-
 metry and taste would not increase their cost.
 It would only change the arrangement of the
 materials, the form and combination of the
 members. This would often cost less than
 the burthen of barbarous ornaments with
 which these buildings are sometimes charged.
 But the first principles of the art are un-
 known, and there exists scarcely a model
 among us sufficiently chaste to give an idea
 of them. Architecture being one of the fine
 arts, and as such within the department of
 a professor of the college, according to the
 new arrangement, perhaps a spark may fall
 on some young subjects of natural taste, kin-
 dle up their genius, and produce a reforma-

tion in this elegant and useful art. But all we shall do in this way will produce no permanent improvement to our country, while the unhappy prejudice prevails that houses of brick or stone are less wholesome than those of wood. A dew is often observed on the walls of the former in rainy weather, and the most obvious solution is that the rain has penetrated through these walls. The following facts however are sufficient to prove the error of this solution. 1. This dew on the walls appears when there is no rain, if the state of the atmosphere be moist. 2. It appears on the partition as well as the exterior walls. 3. So also on pavements of brick or stone. 4. It is more copious in proportion as the walls are thicker; the reverse of which ought to be the case, if this hypothesis were just. If cold water be poured into a vessel of stone, or glass, a dew forms instantly on the outside: but if it be poured into a vessel of wood, there is no such appearance. It is not supposed, in the first case, that the water has exuded through the glass, but that it is precipitated from the circumambient air; as the humid particles of vapour, passing from the boiler of an alembic

through its refrigerant, are precipitated from the air, in which they were suspended, on the internal surface of the refrigerant. Walls of brick or stone act as the refrigerant in this instance. They are sufficiently cold to condense and precipitate the moisture suspended in the air of the room, when it is heavily charged therewith. But walls of wood are not so. The question then is, whether air in which this moisture is left floating, or that which is deprived of it, be most wholesome? In both cases the remedy is easy. A little fire kindled in the room, whenever the air is damp, prevents the precipitation on the walls: and this practice, found healthy in the warmest as well as coldest seasons, is as necessary in a wooden as in a stone or a brick house. I do not mean to say that the rain never penetrates through walls of brick. On the contrary I have seen instances of it. But with us it is only through the northern and eastern walls of the house, after a north-easterly storm, these being the only ones which continue long enough to force through the walls. This however happens too rarely to give a just character of unwholesomeness to such

houses. In a house, the walls of which are of well burnt brick and good mortar, I have seen the rain penetrate through but twice in a dozen or fifteen years. The inhabitants of Europe, who dwell chiefly in houses of stone or brick, are surely as healthy as those of Virginia. These houses have the advantage too of being warmer in winter and cooler in summer than those of wood; of being cheaper in their first construction, where lime is convenient, and infinitely more durable. The latter consideration renders it of great importance to eradicate this prejudice from the minds of our countrymen. A country whose buildings are of wood, can never increase in its improvements to any considerable degree. Their duration is highly estimated at 50 years. Every half century then our country becomes a tabula rasa, whereon we have to set out anew, as in the first moment of seating it. Whereas when buildings are of durable materials, every new edifice is an actual and permanent acquisition to the state, adding to its value as well as to its ornament.

Q U E R Y X V I .

THE measures taken with regard of the Tories, estates and possessions of the rebels commonly called Tories.

A tory has been properly defined to be a traitor in thought, but not in deed. The only description, by which the laws have endeavoured to come at them, was that of non-jurors, or persons refusing to take the oath of fidelity to the state. Persons of this description were at one time subjected to double taxation, at another to treble, and lastly were allowed retribution, and placed on a level with good citizens. It may be mentioned as a proof both of the lenity of our government, and unanimity of its inhabitants, that though this war has now raged near seven years, not a single execution for treason has taken place.

Under this query I will state the measures which have been adopted as to British property, the owners of which stand on a much fairer footing than the Tories. By our laws, the same as the English in this respect,

no alien can hold lands, nor alien enemy maintain an action for money, or other moveable thing. Lands acquired or held by aliens become forfeited to the state; and, on an action by an alien enemy to recover money or other moveable property, the defendant may plead that he is an alien enemy. This extinguishes his right in the hands of the debtor or holder of his moveable property. By our separation from Great Britain, British subjects became aliens, and being at war, they were alien enemies. Their lands were of course forfeited, and their debts irrecoverable. The assembly however passed laws, at various times, for saving their property. They first sequestered their lands, slaves, and other property on their farms, in the hands of commissioners, who were mostly the confidential friends or agents of the owners, and directed their clear profits to be paid into the treasury: and they gave leave to all persons owing debts to British subjects to pay them also into the treasury. The monies so to be brought in were declared to remain the property of the British subject, and, if used by the state, were to be repaid, unless an improper conduct in Great-Britain should ren-

der a detention of it reasonable. Depreciation had at that time, though unacknowledged and unperceived by the Whigs, begun in some small degree. Great sums of money were paid in by debtors. At a later period, the assembly, adhering to the political principles which forbid an alien to hold lands in the state, ordered all British property to be sold: and, become sensible of the real progress of depreciation, and of the losses which would thence occur if not guarded against, they ordered that the proceeds of the sales should be converted into their then worth in tobacco, subject to the future direction of the legislature. This act has left the question of retribution more problematical. In May 1780 another act took away the permission to pay into the public treasury debts due to British subjects.

Q U E R Y XVII.

THE different religions received into that Religion.
state?

The first settlers in this country were emigrants from England, of the English church,

just at a point of time when it was flushed with complete victory over the religious of all other persuasions. Possessed, as they became, of the powers of making, administering and executing the laws, they shewed equal intolerance in this country with their Presbyterian brethren, who had emigrated to the northern government. The poor Quakers were flying from persecution in England. They cast their eyes on these new countries as asylums of civil and religious freedom; but they found them free only for the reigning sect. Several acts of the Virginia assembly of 1659, 1662, and 1693, had made it penal in parents to refuse to have their children baptized; had prohibited the unlawful assembling of Quakers; had made it penal for any master of a vessel to bring a Quaker into the state; had ordered those already here, and such as should come thereafter, to be imprisoned till they should abjure the country; provided a milder punishment for their first and second return, but death for their third; had inhibited all persons from suffering their meetings in or near their houses, entertaining them individually, or disposing of books which supported their tenets.

tenets. If no capital execution took place here, as did in New-England, it was not owing to the moderation of the church, or spirit of the legislature, as may be inferred from the law itself; but to historical circumstances which have not been handed down to us. The Anglicans retained full possession of the country about a century. Other opinions began then to creep in, and the great care of the government to support their own church having begotten an equal degree of indolence in its clergy, two thirds of the people had become dissenters at the commencement of the present revolution. The laws indeed were still oppressive on them, but the spirit of the one party had subsided into moderation, and of the other had risen to a degree of determination which commanded respect.

The present state of our laws on the subject of religion is this. The convention of May 1776, in their declaration of rights, declared it to be a truth, and a natural right, that the exercise of religion should be free; but when they proceeded to form on that declaration the ordinance of government, instead of taking up every principle declared

in the bill of rights, and guarding it by legislative sanction, they passed over that which asserted our religious rights, leaving them as they found them. The same convention however, when they met as a member of the general assembly in October 1776, repealed all *acts of parliament* which had rendered criminal the maintaining any opinions in matters of religion, the forbearing to repair to church, and the exercising any mode of worship; and suspended the laws giving salaries to the clergy, which suspension was made perpetual in October 1779. Statutory oppressions in religion being thus wiped away, we remain at present under those only imposed by the common law, or by our own acts of assembly. At the common law, *heresy* was a capital offence, punishable by burning. Its definition was left to the ecclesiastical judges, before whom the conviction was, till the statute of the 1. El. c. 1. circumscribed it, by declaring that nothing should be deemed heresy but what had been so determined by authority of the canonical scriptures, or by one of the four first general councils, or by some other council having for the grounds of their declaration the

express and plain words of the scriptures. Heresy, thus circumscribed, being an offence at the common law, our act of assembly of October 1777, c. 17. gives cognizance of it to the general court, by declaring that the jurisdiction of that court shall be general in all matters at the common law. The execution is by the writ *De haeretico comburendo*. By our own act of assembly of 1705, c. 30, if a person brought up in the christian religion denies the being of a God, or the trinity, or asserts there are more Gods than one, or denies the christian religion to be true, or the scriptures to be of divine authority, he is punishable on the first offence by incapacity to hold any office or employment ecclesiastical, civil, or military; on the second by disability to sue, to take any gift or legacy, to be guardian, executor or administrator, and by three years imprisonment, without bail. A father's right to the custody of his own children being founded in law on his right of guardianship, this being taken away, they may of course be severed from him and put, by the authority of a court, into more orthodox hands. This is a summary view of that religious slavery

under which a people have been willing to remain who have lavished their lives and fortunes for the establishment of their civil freedom. *The error seems not sufficiently eradicated, that the operations of the mind, as well as the acts of the body, are subject to the coercion of the laws. But our rulers can have authority over such natural rights only as we have submitted to them. The rights of conscience we never submitted, we could not submit. We are answerable for them to our God. The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbour to say there are twenty gods, or no god. It neither picks my pocket nor breaks my leg. If it be said his testimony in a court of justice cannot be relied on, reject it then, and be the stigma on him. Constraint may make him worse by making him a hypocrite, but it will never make him a truer man. It may fix him obstinately in his errors, but will not cure

* Furneaux passim.

them. Reason and free enquiry are the only effectual agents against error. Give a loose to them, they will support the true religion, by bringing every false one to their tribunal, to the test of their investigation. They are the natural enemies of error, and of error only. Had not the Roman government permitted free enquiry, christianity could never have been introduced. Had not free enquiry been indulged, at the aera of the reformation, the corruptions of christianity could not have been purged away. If it be restrained now, the present corruptions will be protected and new ones encouraged. Was the government to prescribe to us our medicine and diet, our bodies would be in such keeping as our souls are now. Thus in France the emetic was once forbidden as a medicine, and the potatoe as an article of food. Government is just as infallible too when it fixes systems in physics. Galileo was sent to the inquisition for affirming that the earth was a sphere: the government had declared it to be as flat as a trencher, and Galileo was obliged to abjure his error. This error however at length prevailed, the earth became a globe, and Descartes declared

it was whirled round its axis by a vortex. The government in which he lived was wise enough to see that this was no question of civil jurisdiction, or we should all have been involved by authority in vortices. In fact the vortices have been exploded, and the Newtonian principle of gravitation is now more firmly established, on the basis of reason, than it would be were the government to step in and to make it an article of necessary faith. Reason and experiment have been indulged, and error has fled before them. It is error alone which needs the support of government. Truth can stand by itself. Subject opinion to coercion: whom will you make your inquisitors? Fallible men; men governed by bad passions, by private as well as public reasons. And why subject it to coercion? To produce uniformity. But is uniformity of opinion desirable? No more than of face and stature. Introduce the bed of Procrustes then, and as there is danger that the large men may beat the small, make us all of a size, by lopping the former and stretching the latter. Difference of opinion is advantageous in religion. The several sects perform the office of a *Censor morum* over

each other. Is uniformity attainable? Millions of innocent men, women and children, since the introduction of Christianity, have been burnt, tortured, fined, imprisoned; yet we have not advanced one inch towards uniformity. What has been the effect of coercion? To make one half the world fools and the other half hypocrites. To support roguery and error all over the earth. Let us reflect that it is inhabited by a thousand millions of people. That these profess probably a thousand different systems of religion. That ours is but one of that thousand. That if there be but one right, and ours that one, we should wish to see the 999 wandering sects gathered into the fold of truth. But against such a majority we cannot effect this by force. Reason and persuasion are the only practicable instruments. To make way for these, free enquiry must be indulged; and how can we wish others to indulge it while we refuse it ourselves. But every state, says an inquisitor, has established some religion. No two, say I, have established the same. Is this a proof of the infallibility of establishments? Our sister states of Pennsylvania and

New York however, have long subsisted without any establishment at all. The experiment was new and doubtful when they made it. It has answered beyond conception. They flourish infinitely. Religion is well supported, of various kinds indeed, but all good enough, all sufficient to preserve peace and order: or if a sect arises whose tenets would subvert morals, good sense has fair play, and reasons and laughs it out of doors, without suffering the state to be troubled with it. They do not hang more malefactors than we do. They are not more disturbed with religious dissensions. On the contrary, their harmony is unparalleled, and can be ascribed to nothing but their unbounded tolerance, because there is no other circumstance in which they differ from every nation on earth. They have made the happy discovery that the way to silence religious disputes, is to take no notice of them. Let us too give this experiment fair play, and get rid, while we may, of those tyrannical laws. It is true we are as yet secured against them by the spirit of the times. I doubt whether the people of this country would suffer an execution for heresy, or a three years imprisonment for not

comprehending the mysteries of the trinity. But is the spirit of the people an infallible, a permanent reliance? Is it government? Is this the kind of protection we receive in return for the rights we give up? Besides, the spirit of the times may alter, will alter. Our rulers will become corrupt, our people careless. A single zealot may commence persecutor, and better men be his victims. It can never be too often repeated, that the time for fixing every essential right on a legal basis is while our rulers are honest, and ourselves united. From the conclusion of this war we shall be going down hill. It will not then be necessary to resort every moment to the people for support. They will be forgotten therefore, and their rights disregarded. They will forget themselves, but in the sole faculty of making money, and will never think of uniting to effect a due respect for their rights. The shackles therefore which shall not be knocked off at the conclusion of this war, will remain on us long, will be made heavier and heavier, till our rights shall revive or expire in a convulsion.

QUERY XVIII.

Manners.

THE particular customs and manners that may happen to be received in that state ?

It is difficult to determine on the standard by which the manners of a nation may be tried, whether catholic, or particular. It is more difficult for a native to bring to that standard the manners of his own nation, familiarized to him by habit. There must doubtless be an unhappy influence on the manners of our people produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learning to do what he sees others do. If a parent could find no motive either in his philanthropy or his self-love, for restraining the intemperance of passion towards his slave, it

should always be a sufficient one that his child is present. But generally it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose to his worst of passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his manners and morals undepraved by such circumstances. And with what execrations should the statesman be loaded, who permitting one half the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, destroys the morals of the one part, and the amor patriæ of the other. For if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labour for another: in which he must lock up the faculties of his nature, contribute as far as depends on his individual endeavours to the evanishment of the human race, or entail his own miserable condition on the endless generations proceeding from him. With the morals of the people, their industry also is

destroyed. For in a warm climate, no man will labour for himself who can make another labour for him. This is so true, that of the proprietors of slaves a very small proportion indeed are ever seen to labour. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever: that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events: that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest.---But it is impossible to be temperate and to pursue this subject through the various considerations of policy, of morals, of history natural and civil. We must be contented to hope they will force their way into every one's mind. I think a change already perceptible since the origin of the present revolution. The spirit of the master is

abating, that of the slave rising from the dust, his condition mollifying, the way I hope preparing, under the auspices of heaven, for a total emancipation, and that this is disposed, in the order of events, to be with the consent of the masters, rather than by their extirpation.

Q U E R Y XIX.

THE present state of manufactures, commerce, interior and exterior trade? Manufactures.

We never had an interior trade of any importance. Our exterior commerce has suffered very much from the beginning of the present contest. During this time we have manufactured within our families the most necessary articles of cloathing. Those of cotton will bear some comparison with the same kinds of manufacture in Europe; but those of wool, flax and hemp are very coarse, unfightly, and unpleasant: and such is our attachment to agriculture, and such our preference for foreign manufactures, that be it wise or unwise, our people will certainly re-

turn, as soon as they can, to the raising raw materials, and exchanging them for finer manufactures than they are able to execute themselves.

The political economists of Europe have established it as a principle that every state should endeavour to manufacture for itself: and this principle, like many others, we transfer to America, without calculating the difference of circumstance which should often produce a difference of result. In Europe the lands are either cultivated, or locked up against the cultivator. Manufacture must therefore be resorted to, of necessity not of choice, to support the surplus of their people. But we have an immensity of land courting the industry of the husbandman. Is it best then that all our citizens should be employed in its improvement, or that one half should be called off from that to exercise manufactures and handieraft arts for the other? Those who labour in the earth are the chosen people of God, if ever he had a chosen people, whose breasts he has made his peculiar deposit for substantial and genuine virtue. It is the focus in which he keeps alive that sacred fire, which otherwise

might escape from the face of the earth. Corruption of morals in the mass of cultivators is a phenomenon of which no age nor nation has furnished an example. It is the mark set on those, who not looking up to heaven, to their own soil and industry, as does the husbandman, for their subsistence, depend for it on the casualties and caprice of customers. Dependence begets servitude and venality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition. This, the natural progress and consequence of the arts, has sometimes perhaps been retarded by accidental circumstances: but, generally speaking, the proportion which the aggregate of the other classes of citizens bears in any state to that of its husbandmen, is the proportion of its unbound to its healthy parts, and is a good enough barometer whereby to measure its degree of corruption. While we have land to labour then, let us never wish to see our citizens occupied at a work-bench, or twirling a distaff. Carpenters, masons, smiths are wanting in husbandry: but, for the general operations of manufacture, let our work-shops remain in Europe. It is better to carry provisions and materials to work-

Commissi-
onary is
not

men there, than bring them to the provisions and materials, and with them their manners and principles. The loss by the transportation of commodities across the Atlantic will be made up in happiness and permanence of government. The mobs of great cities add just so much to the support of pure government, as sores do to the strength of the human body. It is the manners and spirit of a people which preserve a republic in vigour. A degeneracy in these is a canker which soon eats to the heart of its laws and constitution.

Q U E R Y XX.

Commercial
productions.

A Notice of the commercial productions particular to the state, and of those objects which the inhabitants are obliged to get from Europe and from other parts of the world?

Before the present war we exported, communibus annis, according to the best information I can get, nearly as follows.

A R T I C L E S.

	Quantity.	Price in Dollars.	Am. in Dollars
Tobacco	55,000 hhd. of 1000lb.	at 30 d. per hhd.	1,650,000
Wheat	800,000 bushels.	at 7 d. per bush.	666,666
Indian corn	600,000 bushels	at 7 d. per bush.	200,000
Shipping	-	-	100,000
Masts, planks, skantling, shingles, staves	-	-	66,666
Tar, pitch, turpentine	30,000 barrels	at 1 1/2 d. per bar.	40,000
Peltry, viz. skins of deer, beavers, otters, muskrats, racoons, foxes	180 hhd. of 600lb.	at 1 1/2 d. per lb.	21,000
Pork	4,000 barrels	at 10 d. per bar.	40,000
Flax seed, hemp, cotton	-	-	8,000
Pit-coal, pigiron	-	-	6,666
Peas	5,000 bushels	at 3 d. per bush.	3,333
Beef	1,000 barrels	at 3 1/2 d. per bar.	3,333
Sturgeon, white shad, herring	-	-	3,333
Brandy from peaches and apples, and whiskey	-	-	1,666
Horses	-	-	1,666
This sum is equal to 850,000 l. Virginia money, 607,142 guineas.			2,833,333 D.

[305]

In the year 1758 we exported sevenry thousand hogsheads of tobacco, which was the greatest quantity ever produced in this country in one year. But its culture was fast declining at the commencement of this war, and that of wheat taking its place: and it must continue to decline on the return of peace. I suspect that the change in the temperature of our climate has become sensible to that plant, which, to be good, requires an extraordinary degree of heat. But it requires still more indispensably an uncommon fertility of soil: and the price which it commands at market will not enable the planter to produce this by manure. Was the supply still to depend on Virginia and Maryland alone, as its culture becomes more difficult, the price would rise, so as to enable the planter to surmount those difficulties and to live. But the western country on the Mississipi, and the midlands of Georgia, having fresh and fertile lands in abundance, and a hotter sun, will be able to undersell these two states, and will oblige them to abandon the raising tobacco altogether. And a happy obligation for them it will be. It is a culture productive of infinite wretchedness.

Those employed in it are in a continued state of exertion beyond the powers of nature to support. Little food of any kind is raised by them; so that the men and animals on these farms are illy fed, and the earth is rapidly impoverished. The cultivation of wheat is the reverse in every circumstance. Besides cloathing the earth with herbage, and preserving its fertility, it feeds the labourers plentifully, requires from them only a moderate toil, except in the season of harvest, raises great numbers of animals for food and service, and diffuses plenty and happiness among the whole. We find it easier to make an hundred bushels of wheat than a thousand weight of tobacco, and they are worth more when made. The weevil indeed is a formidable obstacle to the cultivation of this grain with us. But principles are already known which must lead to a remedy. Thus a certain degree of heat, to wit, that of the common air in summer, is necessary to hatch the egg. If subterranean granaries, or others, therefore, can be contrived below that temperature, the evil will be cured by cold. A degree of heat beyond that which hatches the egg, we know will

kill it. — But in aiming at this we easily run into that which produces putrefaction. To produce putrefaction however, three agents are requisite, heat, moisture, and the external air. If the absence of any one of these be secured, the other two may safely be admitted. Heat is the one we want. Moisture then, or external air, must be excluded. The former has been done by exposing the grain in kilns to the action of fire, which produces heat, and extracts moisture at the same time : the latter, by putting the grain into hogheads, covering it with a coat of lime, and heading it up. In this situation its bulk produces a heat sufficient to kill the egg ; the moisture is suffered to remain indeed, but the external air is excluded. A nicer operation yet has been attempted ; that is, to produce an intermediate temperature of heat between that which kills the egg, and that which produces putrefaction. The threshing the grain as soon as it is cut, and laying it in its chaff in large heaps, has been found very nearly to hit this temperature, though not perfectly, nor always. The heap generates heat sufficient to kill most of the eggs, whilst the chaff commonly restrains it from rising into putrefaction. But all these

methods abridge too much the quantity which the farmer can manage, and enable other countries to undersell him which are not infested with this insect. There is still a desideratum then to give with us decisive triumph to this branch of agriculture over that of tobacco.—The culture of wheat, by enlarging our pasture, will render the Arabian horse an article of very considerable profit. Experience has shewn that ours is the particular climate of America where he may be raised without degeneracy. Southwardly the heat of the sun occasions a deficiency of pasture, and northwardly the winters are too cold for the short and fine hair, the particular sensibility and constitution of that race. Animals transplanted into unfriendly climates, either change their nature and acquire new fences against the new difficulties in which they are placed, or they multiply poorly and become extinct. A good foundation is laid for their propagation here by our possessing already great numbers of horses of that blood, and by a decided taste and preference for them established among the people. Their patience of heat without injury, their superior wind, fit them better in this and the more southern climates even for the drudge-

ries of the plough and waggon. Northwardly they will become an object only to persons of taste and fortune, for the saddle and light carriages. To these, and for these uses, their fleetness and beauty will recommend them.—Besides these there will be other valuable substitutes when the cultivation of tobacco shall be discontinued, such as cotton in the eastern parts of the state, and hemp and flax in the western.

It is not easy to say what are the articles either of necessity, comfort, or luxury, which we cannot raise, and which we therefore shall be under a necessity of importing from abroad, as every thing hardier than the olive and as hardy as the fig, may be raised here in the open air. Sugar, coffee and tea, indeed, are not between these limits; and habit having placed them among the necessities of life with the wealthy part of our citizens, as long as these habits remain we must go for them to those countries which are able to furnish them.

Q U E R Y XXI.

THE weights, measures, and the currency of the hard money? Some details relating to the exchange with Europe? Weights,
Measures,
Money.

Our weights and measures are the same which are fixed by acts of parliament in England.—How it has happened that in this as well as the other American states the nominal value of coin was made to differ from what it was in the country we had left, and to differ among ourselves too, I am not able to say with certainty. I find that in 1631 our house of burgesses desired of the privy council in England, a coin debased to twenty-five per cent: that in 1645 they forbid dealing by barter for tobacco, and established the Spanish piece of eight at six shillings, as the standard of their currency: that in 1655 they changed it to five shillings sterling. In 1680 they sent an address to the king, in consequence of which, by proclamation in 1683, he fixed the value of French crowns, rixdollars and peices of eight at six shillings, and the coin of New-England at one shilling. That in 1710, 1714, 1727, and 1762 other regulations were made, which will be better presented to the eye stated in the form of a table as follows:

Guineas	1710.	26s	1714.	1717.	1762.
British gold coin not milled, coined gold of Spain and France, chequins, Arabian gold, molders of Portugal	.	.	5s the dwt.	.	4s the dwt.
Coined gold of the empire	.	.	5s the dwt.	.	.
English milled silver money, in proportion to the crown, at	.	.	5s 10	.	.
Peices of eight of Mexico, Seville and Pillar, ducatoons of Flanders, French	.	.	.	.	.
ecus, or silver Louis, crusados of Portugal	.	.	.	.	.
Peru peices, cross dollars, and old rix-dollars of the empire	.	.	.	.	.
Old British silver coin not milled	.	.	.	.	.

on
do
for
pe
by
lik
as
sta
in
see
den
sta
tion
nec
por

T
T
stan
rapi
beco
We
by t

The first symptom of the depreciation of our present paper-money, was that of silver dollars selling at six shillings, which had before been worth but five shillings and ninepence. The assembly thereupon raised them by law to six shillings. As the dollar is now likely to become the money-unit of America, as it passes at this rate in some of our sister-states, and as it facilitates their computation in pounds and shillings, &c. converso, this seems to be more convenient than its former denomination. But as this particular coin now stands higher than any other in the proportion of $133\frac{1}{3}$ to 125, or 16 to 15, it will be necessary to raise the others in the same proportion.

Q U E R Y XXII.

THE public income and expences ?

Revenue,

The nominal amount of these varying constantly and rapidly, with the constant and rapid depreciation of our paper-money, it becomes impracticable to say what they are. We find ourselves cheated in every essay by the depreciation intervening between the

declaration of the tax and its actual receipt. It will therefore be more satisfactory to consider what our income may be when we shall find means of collecting what the people may spare. I should estimate the whole taxable property of this state at an hundred millions of dollars, or thirty millions of pounds our money. One per cent on this, compared with any thing we ever yet paid, would be deemed a very heavy tax. Yet I think that those who manage well, and use reasonable œconomy, could pay one and a half per cent, and maintain their household comfortably in the mean time, without aliening any part of their principal, and that the people would submit to this willingly for the purpose of supporting their present contest. We may say then that we could raise, and ought to raise, from one million to one million and a half of dollars annually, that is from three hundred to four hundred and fifty thousand pounds, Virginia money.

Of our expences it is equally difficult to give an exact state, and for the same reason. They are mostly stated in paper money, which varying continually, the legislature endeavours at every session, by new cor-

regions, to adapt the nominal sums to the value it is wished they should bear. I will state them therefore in real coin, at the point at which they endeavour to keep them.

Dollars.

The annual expences of the general assembly are about 20,000

The governor 3,333 $\frac{1}{3}$

The council of state 10,666 $\frac{2}{3}$

Their clerks 1,166 $\frac{2}{3}$

Eleven judges 11,000

The clerk of the chancery 666 $\frac{2}{3}$

The attorney general 1,000

Three auditors and a solicitor 5,333 $\frac{1}{3}$

Their clerks 2,000

The treasurer 2,000

His clerks 2,000

The keeper of the public jail 1,000

The public printer 1,666 $\frac{2}{3}$

Clerks of the inferior courts 43,333 $\frac{1}{3}$

Public levy: this is chiefly for the

expences of criminal justice 40,000

County levy, for bridges, court-

houses, prisons, &c. 40,000

Parish levy for maintenance of the

poor 200,000

Members of congress	-	7000
Quota of the Federal civil list, supposed $\frac{1}{2}$ of about 78,000 dollars		13,000
Expences of collection, 6 per cent. on the above	-	24,310
The clergy receive only voluntary contributions: suppose them on an average $\frac{1}{2}$ of a dollar a tythe on 200,000 tythes	-	25,000
Contingencies, to make round numbers not far from truth	-	5,523 $\frac{1}{2}$

 460,000

Dollars, or 98,571 guineas. This estimate is exclusive of the military expence. That varies with the force actually employed, and in time of peace will probably be little or nothing. It is exclusive also of the public debts, which are growing while I am writing, and cannot therefore be now fixed. From these articles if we strike out that of 200,000 dollars for the maintenance of the poor, and 12,000 dollars for its collection, which being merely a matter of charity, cannot be deemed expended in the administration of government; and the 25,000 dollars for the services of the clergy, which neither makes

part of that administration, more than what is paid to physicians or lawyers, and being voluntary, is either much or nothing as every one pleases, it leaves 223,000 dollars, equal to 47,785 guineas, the real cost of the apparatus of government with us. This, divided among the actual inhabitants of our country comes to about two fifths of a dollar, 22d sterling, or 42 fols, the price which each pays annually for the protection of the residue of his property, that of his person, and the other advantages of a free government. The public revenues of Great Britain divided in like manner on its inhabitants would be sixteen times greater. Deducting the aggregate sum of 460,000 dollars from the million and a half which we before supposed might be annually paid without distress, we may conclude that this state can contribute one million of dollars annually towards supporting the federal army, paying the federal debt, building a federal navy, or opening roads, clearing rivers, forming safe ports, and other useful works.

To this estimate of our abilities, let me add a word as to the application of them, if, when cleared of the present contest, and of

the debts with which that will charge us, we come to measure force hereafter with any European power. Such events are devoutly to be deprecated. Young as we are, and with such a country before us to fill with people and with happiness, we should point in that direction the whole generative force of nature, wasting none of it in efforts of mutual destruction. It should be our endeavour to cultivate the peace and friendship of every nation, even of that which has injured us most, when we shall have carried our point against her. Our interest will be to throw open the doors of commerce, and to knock off all its shackles, giving perfect freedom to all persons for the vent of whatever they may chuse to bring into our ports, and asking the same in theirs. Never was so much false arithmetic employed on any subject, as that which has been employed to persuade nations that it is their interest to go to war. Were the money which it has cost to gain, at the close of a long war, a little town, or a little territory, the right to cut wood here, or to catch fish there, expended in improving what they already possess, in making roads, opening rivers, building ports, improving the arts

an
it
ve
ou
mu
it
occ
wh
just
to
wha
vuln
prop
our
and,
earth
citize
empl
no lo
our c
They
then
wife
them
follies
make
we can

and finding employment for their idle poor, it would render them much stronger, much wealthier and happier. This I hope will be our wisdom. And perhaps, to remove as much as possible the occasions of making war, it might be better for us to abandon the ocean altogether, that being the element whereon we shall be principally exposed to juggle with other nations: to leave to others to bring what we shall want, and to carry what we can spare. This would make us invulnerable to Europe, by offering none of our property to their prize, and would turn all our citizens to the cultivation of the earth; and, I repeat it again, cultivators of the earth are the most virtuous and independant citizens. It might be time enough to seek employment for them at sea when the land no longer offers it. But the actual habits of our countrymen attach them to commerce. They will exercise it for themselves. Wars then must sometimes be our lot; and all the wise can do will be to avoid that half of them which would be produced by our own follies, and our own acts of injustice; and to make for the other half the best preparations we can. Of what nature should these be?

A land army would be useless for offence, and not the best nor safest instrument of defence. For either of these purposes the sea is the field on which we should meet an European enemy. On that element it is necessary we should possess some power. To aim at such a navy as the greater nations of Europe possess, would be a foolish and wicked waste of the energies of our countrymen. It would be to pull on our own heads that load of military expence which makes the European labourer go supperless to bed, and moistens his bread with the sweat of his brows. It will be enough if we enable ourselves to prevent insults from those nations of Europe which are weak on the sea, because circumstances exist which render even the stronger ones weak as to us. Providence has placed their richest and most defenceless possessions at our door; has obliged their most precious commerce to pass as it were in review before us. To protect this, or to assail us, a small part only of their naval force will ever be risked across the Atlantic. The dangers to which the elements expose them here are too well known, and the greater dangers to which they would be ex-

posed at home, were any general calamity to involve their whole fleet. They can attack us by detachment only; and it will suffice to make ourselves equal to what they may detach. Even a smaller force than they may detach will be rendered equal or superior by the quickness with which any check may be repaired with us, while losses with them will be irreparable till too late. A small naval force then is sufficient for us, and a small one is necessary. What this should be I will not undertake to say. I will only say it should by no means be so great as we are able to make it. Suppose the million of dollars, or 300,000 pounds which Virginia could annually spare without distress, to be applied to the creating a navy. A single year's contribution would build, equip, man and send to sea a force which should carry 300 guns. The rest of the confederacy exerting themselves in the same proportion would equip in the same time 1500 guns more. So that one year's contributions would set up a navy of 1800 guns. The British ships of the line average 76 guns; their frigates 38. 1800 guns then would form a fleet of 30 ships, 18 of which might

be of the line, and 12 frigates. Allowing 8 men, the British average, for every gun, their annual expence, including subsistence, cloathing, pay, and ordinary repairs, would be about 1280 dollars for every gun, or 2,304,000 dollars for the whole. I state this only as one year's possible exertion, without deciding whether more or less than a year's exertions should be thus applied.

The value of our lands and slaves, taken conjunctly, doubles in about twenty years. This arises from the multiplication of our slaves, from the extension of culture, and increased demand for lands. The amount of what may be raised will of course rise in the same proportion.

Q U E R Y XXII.

Histories,
&c.

THE histories of the state, the memorials published in its name in the time of its being a colony, and the pamphlets relating to its interior or exterior affairs present or antient?

Captain Smith, who next to Sir Walter Raleigh may be considered as the founder

of our colony, has written its history, from the first adventures to it till the year 1624. He was a member of the council, and afterwards president of the colony; and to his efforts principally may be ascribed its support against the opposition of the natives. He was honest, sensible, and well informed; but his style is barbarous and uncouth. His history however is almost the only source from which we derive any knowledge of the infancy of our state.

The reverend William Stith, a native of Virginia, and president of its college, has also written the history of the same period, in a large octavo volume of small print. He was a man of classical learning, and very exact, but of no taste in style. He is inelegant therefore, and his details often too minute to be tolerable even to a native of the country, whose history he writes.

Beverley, a native also, has run into the other extreme; he has comprised our history, from the first propositions of Sir Walter Raleigh to the year 1700, in the hundredth part of the space which Stith employs for the fourth part of the period.

Sir William Keith has taken it up at its earliest period, and continued it to the year 1725. He is agreeable enough in style, and passes over events of little importance. Of course he is short, and would be preferred by a foreigner.

During the regal government some contest arose on the exaction of an illegal fee by governor Dinwiddie, and doubtless there were others on other occasions not at present recollected. It is supposed that these are not sufficiently interesting to a foreigner to merit a detail.

The petition of the council and burgesses of Virginia to the king, their memorial to the lords, and remonstrance to the commons in the year 1764, began the present contest: and these having proved ineffectual to prevent the passage of the stamp act, the resolutions of the house of burgesses of 1765 were passed, declaring the independance of the people of Virginia on the parliament of Great Britain, in matters of taxation. From that time till the declaration of independance by congress in 1776, their journals are filled with assertions of the public rights.

323
The pamphlets published in this state on the controverted question were,

1766, An Enquiry into the Rights of the British Colonies, by Richard Bland.

1769, The Monitor's Letters, by Dr. Arthur Lee.

1774, A summary View of the Rights of British America.

— Considerations, &c. by Robert Carter Nicholas.

Since the declaration of independance this state has had no controversy with any other, except with that of Pennsylvania, on their common boundary. Some papers on this subject passed between the executive and legislative bodies of the two states, the result of which was a happy accommodation of their rights.

To this account of our historians, memorials and pamphlets, it may not be un-
useful to add a chronological catalogue of American state papers, as far as I have been able to collect their titles. It is far from being either complete or correct. Where the title alone, and not the paper itself, has come under my observation, I cannot an-

swer for the exactness of the date. Sometimes I have not been able to find any date at all, and sometimes have not been satisfied that such a paper exists. An extensive collection of papers of this description has been for some time in a course of preparation by a * gentleman fully equal to the task, and from whom therefore we may hope ere long to receive it. In the mean time accept this as the result of my labours, and as closing the tedious detail which you have for undesignedly drawn upon yourself.

* Mr. Hazard.

Pr
-9
91
b9
-10
Bi
193
vd
De
But
gnd
zist
Co
gnd
-tur
-10
-10
An
-10
-10
-10
f
w
The
M
b
an
A
Lett
to

Pro Johanne Caboto et filiis suis 1496, Mar. 5. 11. H. 7.

super terra incognita investigan-
da. 12. Ry. 595. 3. Hakl. 4.

2. Mem. Am. 409.

Billa signata anno 13. Henrici 1498, Feb. 3. 13. H. 7.

septimi. 3. Hakluyt's voyages. 5.

De potestatibus ad terras incog- 1502, Dec. 19. 18. H. 7.

nitas investigandum. 13. Ry-

mer. 37.

Commission de François I. à Jae- 1540, Oct. 17.

ques Cartier pour l'establis-

sement du Canada. L'Escarbot.

397. 2. Mem. Am. 416.

An act against the exaction of mo- 1548, 2. E. 6.

ney, or any other thing, by

any officer for license to traf-

fique into Iseland and New-

foundland, made in An. 2. Ed-

wardi sexti, 3. Hakl. 131.

The letters patent granted by her 1578, June 11. 10. El.

Majestie to Sir Humphrey Gil-

bert, knight, for the inhabiting

and planting of our people in

America. 3. Hakl. 135.

Letters patents of Queen Elizabeth 1583, Feb. 6.

to Adrian Gilbert and others,

X 4

- to discover the North-west passage to China. 3. Hakl. 96.
- 1584, Mar. 25. 16. El. The letters patents granted by the Queen's majestie to M. Walter Raleigh, now knight, for the discovering and planting of new lands and countries, to continue the space of 6 years and no more. 3. Hakl. 243.
- Mar. 7. 31. El. An assignment by Sir Walter Raleigh for continuing the action of inhabiting and planting his people in Virginia. Hakl. 1st. edn. publ. in 1589, pag. 815.
- 1603, Nov. 8. Lettres de Lieutenant General de l'Acadie & pays circonvoisins pour le Sieur de Monts. L'Escarbot. 417.
- 1606, Apr. 10. 4. Jac. 1. Letters patent to Sir Thomas Gates, Sir George Somers and others, for two severall colonies to be made in Virginia and other parts of America. Smith. Append. No. 1.
- 1607, Mar. 9. 4. Jac. 1. An ordinance and constitution enlarging the council of the two colonies in Virginia and Ame-

tical, and augmenting their authority, M. S.

The second charter to the treasurer 1609, May 23, 7. Jac. 1.

and company for Virginia
erecting them into a body po-

litick. Stith. Apr. 2.

Letters patents to the E. of Nor- 1610, Apr. 10. Jac. 2.

thampton, granting part of the
island of Newfoundland. 1. Har-

ris. 86.

A third charter to the treasurer 1611, Mar. 12. 9. Jac. 1.

and company for Virginia.—

Stith. App. 3.

A commission to Sir Walter Ra- 1617,

Jac. 1.

leigh. Qu. 7.

Commissio specialis concernens le 1620, Apr. 7. 18. Jac. 1.

garbling herbae Nicotianae. 17.

Rym. 190.

A proclamation for restraint of 1620, June 19. 18. Jac. 1.

the disordered trading of tobac-

co. 17. Rym. 233.

A grant of New England to the 1620, Nov. 3. 1. Jac. 1.

council of Plymouth.

An ordinance and constitution of 1627, July 24. Jac. 1.

the treasurer, council and com-

pany in England for a council

- of state and general assembly
in Virginia. Smith, App. 4.
- 1611, Sep. 10. Jac. 1. A grant of Nova Scotia to Sir
William Alexander. 2. Mem.
de l'Amerique. 193.
- 1622, Nov. 6. 20. Jac. 1. A proclamation prohibiting inter-
loping and disorderly trading
to New England in America.
17. Rym. 416.
- 1623, May 9. 21. Jac. 1. De Commissione speciali Williel-
mo Jones militi directa. 17.
Rym. 490.
1623. A grant to Sir Edmund Ployden,
of New Albion. Mentioned
in Smith's examination. 82.
- 1624, July 15. 22. Jac. 1. De Commissione Henrico vice-
comiti Mandevill et aliis. 17.
Rym. 609.
- 1624, Aug. 26. 22. Jac. 1. De Commissione speciali concer-
nenti gubernationem in Virgi-
nia. 17. Rym. 618.
- 1624, Sep. 29. 22. Jac. 1. A proclamation concerning tobac-
co. 17. Rym. 621.
- 1624, Nov. 9. 22. Jac. 1. De concessione demiss. Edwardo
Dichfield et aliis. 17. Rym.
633.

A proclamation for the utter prohibiting the importation and use of all tobacco which is not of the proper growth of the colony of Virginia and the Sommer islands, or one of them. 17.

Rym. 668.

De commissione directa Georgio Yardeley militi et aliis. 18.

Rym. 311.

Proclamatio de herba Nicotiana. 1625, Apr. 9. 1. Car. 1. 18. Rym. 19.

A proclamation for settlinge the plantation of Virginia. 18.

Rym. 72.

A grant of the soil, barony, and domains of Nova Scotia to Sir

Wm. Alexander of Minstrie. 2.

Mem. Am. 226.

Commisso directa Johanni Wolstenholme militi et aliis. 18.

Ry. 831.

A proclamation touching tobacco. 1626, Feb. 17. 2. Car. 1. 18. Ry. 848.

A grant of Massachusetts bay by the council of Plymouth to Sir Henry Roswell and others. 1627, Mar. 19. qu. 22. Car. 1.

- 1627, Mar. 26. 3. Car. 1. De concessione commissionis specialis pro concilio in Virginia. 18. Ry. 980.
- 1627, Mar. 30. 3. Car. 1. De proclamatione de signatione de tobacco. 18. Ry. 886.
- 1627, Aug. 9. 3. Car. 1. De proclamatione pro ordinatione de tobacco. 18. Ry. 920.
- 1628, Mar. 4. 3. Car. 1. A confirmation of the grant of Massachusetts bay by the crown. The capitulation of Quebec. Champlain part. 2. 216. 2. Mem. Am. 489.
- 1630, Jan. 6. 5. Car. 1. A proclamation concerning tobacco. 19. Ry. 235.
- 1630, Apr. 30. Conveyance of Nova Scotia (Port-royal excepted) by Sir William Alexander to Sir Claude St. Etienne Lord of la Tour and of Uarre and to his son Sir Charles de St. Etienne Lord of St. Denniscourt, on condition that they continue subjects to the king of Scotland under the great seal of Scotland.
- 1630, Nov. 24. 6. Car. 1. A proclamation forbidding the disorderly trading with the savages in New England in Ame-

rica, especially the furnishing
the natives in those and other
parts of America by the Eng-
lish with weapons and habili-
ments of warre. 19. Ry. 210.

3. Rushw. 81.

A proclamation prohibiting the 1630, Dec. 5. 6. Car. 1.
selling arms, &c. to the savages
in America. Mentioned 3. Rushw.

75.

A grant of Connecticut by the 1630, Car. 1.
council of Plymouth to the E.
of Warwick.

A confirmation by the crown of 1630, Car. 1.
the grant of Connecticut. [said
to be in the petty bag office in
England].

A conveyance of Connecticut by 1631, Mar. 19. 6. Car. 1.
the E. of Warwick to Lord Say
and Seal and others. Smith's
examination, App. No. 1.

A special commission to Edward 1631, June 27. 7. Car. 1.
Earle of Dorset and others for
the better plantation of the co-
lony of Virginia. 19. Ry. 301.

1631, June 29. 7. Car. 1. *Litere continentes promissionem regis ad tradendum castrum et habitationem de Kebec in Canada ad regem Francorum.* 19. Ry. 303.

1632, Mar. 29. 8. Car. 1. *Traité entre le roy Louis XIII. et Charles roi d'Angleterre pour la restitution de la nouvelle France, la Cadie et Canada et des navires et marchandises pris de part et d'autre. Fait a St. Germain.* 19. Ry. 361. 2. Mem. Am. 5.

1632, June 20. 8. Car. 1. A grant of Maryland to Caecilius Calvert, Baron of Baltimore in Ireland.

1633, July 3. 9. Car. 1. A petition of the planters of Virginia against the grant to Lord Baltimore.

1633, July 3. Order of council upon the dispute between the Virginia planters and Lord Baltimore. Votes of repres. of Pennsylvania. V.

1633, Aug. 13. 9. Car. 1. A proclamation to prevent abuses growing by the unordered re-

tail
3.
A spe
You
find
inha
rida
adjo
A proc
the
orde
Ry.
A proc
five
Rym
A proc
landi
biddi
in th
Ry.
A comm
Cante
gover
lonies
A comm
M. S.

trading of tobacco. Mentioned 1633, Sept. 23. 9. Car. 1.

3. Ry. 191.

A special commission to Thomas 1633, Sept. 23. 9. Car. 1.

Young to search, discover and

find out what parts are not yet

inhabited in Virginia and Ame-

rica and other parts thereunto

adjoining. 19. Ry. 472.

A proclamation for preventing of 1633, Oct. 13. 9. Car. 1.

the abuses growing by the un-

ordered retailing of tobacco. 19.

Ry. 474.

A proclamation restraining the abu- 1633, Mar. 13. Car. 1.

five venting of tobacco. 19.

Rym. 522.

A proclamation concerning the 1634, May 19. 10. Car. 1.

landing of tobacco, and also for-

bidding the planting thereof

in the king's dominions. 19.

Ry. 553.

A commission to the Archbishop of 1634, Car. 1;

Canterbury and 11 others, for

governing the American co-

lonies.

A commission concerning tobacco. 1634, June 19. 10. Car. 1.

M. S.

- 1635, July 18. 11. Car. 1. A commission from Lord Say and Seal, and others, to John Winthrop to be governor of Connecticut. Smith's App.
- 1635, Car. 1. A grant to Duke Hamilton.
- 1636, Apr. 2. 12. Car. 1. De commissione speciali Johanni Harvey militi pro meliori regimine coloniae in Virginia. 20. Ry. 3.
- 1637, Mar. 14. Car. 1. A proclamation concerning tobacco. Title in 3. Rush. 617.
- 1637, Mar. 16. 12. Car. 1. De commissione speciali Georgio domino Goring et aliis concessâ concernente venditionem de tobacco absque licentiâ Regiâ. 20. Ry. 116.
- 1637, Apr. 30. 13. Car. 1. A proclamation against the disorderly transporting his Majesty's subjects to the plantations within the parts of America. 20. Ry. 143. 3. Rush. 409.
- 1637, May 1. 13. Car. 1. An order of the privy council to stay 8 ships now in the Thames from going to New-England. 3. Rush. 409.

A warrant

A warrant of the Lord Admiral to 1637, Car. 1.
stop unconformable ministers
from going beyond sea. 3.
Rush. 410.

Order of council upon Claiborne's 1638, Apr. 4. Car. 1.
petition against Lord Baltimore.

Votes of representatives of Penn-
sylvania. vi.

An order of the king and council 1638, Apr. 6, 14. Car. 1.
that the attorney-general draw
up a proclamation to prohi-
bit transportation of passen-
gers to New-England without li-
cense. 3. Rush. 718.

A proclamation to restrain the 1638, May 1. 14. Car. 1.
transporting of passengers and
provisions to New-England with-
out licence. 20. Ry. 223.

A proclamation concerning tobac- 1639, Mar. 25. Car. 1.
co. Title 4. Rush. 1060.

A proclamation declaring his Ma- 1639, Aug. 19, 15. Car. 1.
jesty's pleasure to continue his
commission and letters patents
for licenſing retailers of tobac-
co. 20. Ry. 348.

1639, Dec. 16. 15. Car. 1. De commissione speciali Henrico Ashton armigero et aliis ad amovendum Henricum Hawley gubernatorem de Barbadoes. 20.

Ry. 357.

1639,

Car. 1. A proclamation concerning retailers of tobacco. 4. Rush. 966.

1641, Aug. 9. 17. Car. 1. De constitutione gubernatoris et concilii pro Virginia. 20. Ry, 484.

1643,

Car. 1. Articles of union and confederacy entered into by Massachusetts, Plymouth, Connecticut and New-haven. 1. Neale. 223.

1644,

Car. 1. Deed from George Fenwick to the old Connecticut jurisdiction.

An ordinance of the lords and commons assembled in parliament, for exempting from custom and imposition all commodities exported for, or imported from New-England, which has been very prosperous and without any public charge to this state, and is likely to prove

very happy for the propagation of the gospel in those parts.

Tit. in Amer. library 90. 5.

No date. But seems by the neighbouring articles to have been in 1644.

An act for charging of tobacco 1644, June 20. Car. 2.

brought from New-England with custom and excise. Title in American library, 99. 8.

An act for the advancing and regulating the trade of this commonwealth. 1644, Aug. 1. Car. 2.

Tit. Amer. libr. 99. 9.

Grant of the Northern neck of Virginia to Lord Hopton, Lord Jer-

myn, Lord Culpeper, Sir John Berkeley, Sir William Moreton, Sir Dudley Wyatt, and Thomas Culpeper.

An act prohibiting trade with the Barbadoes, Virginia, Bermudas

and Antego. Scobell's Acts.

1027.

A declaration of Lord Willough- 1650, Car. 2.

by, governor of Barbadoes, and

of his council, against an act of parliament of 3d of October 1650. 4. Polit. register. 2. cited from 4. Neale. hist. of the Puritans. App. No. 12. but not there.

1650,

Car. 2. A final settlement of boundaries between the Dutch New Netherlands and Connecticut.

1651, Sept. 26. 3. Car. 2. Instructions for Captain Robert Dennis, Mr. Richard Bennet, Mr. Thomas Stagge, and Capt. William Clabourne, appointed commissioners for the reducing of Virginia and the inhabitants thereof to their due obedience to the commonwealth of England. 1. Thurloe's state papers. 197.

1651, Oct. 9. 3. Car. 2. An act for increase of shipping and encouragement of the navigation of this nation. Scobell's acts, 1449.

1651, Mar. 12. 4. Car. 2. Articles agreed on and concluded at James cittie in Virginia for the surrendering and settling of

An
by
Cap
n
A p
re
7
The
of
55
An in
cil
the
fair

[048]
that plantation under the obedience and government of the commonwealth of England, by the commissioners of the council of state, by authoritie of the parliament of England, and by the grand assembly of the governor, council, and burgeses of that state. M. S. [Ante. pa. 201.]

An act of indemnitie made at the 165¹, Mar. 12. 4. Car. 2.
surrender of the countrey [of Virginia.] [Ante. p. 206.]

Capitulation de Port-Royal. 2. 1654, Aug. 16.
mem. Am. 507.

A proclamation of the protector 1655, Car. 2.
relating to Jamaica. 3. Thurl.
75.

The protector to the commissioners 1655, Sept. 26. 7. Car. 2.
of Maryland. A letter. 4. Thurl.
55.

An instrument made at the coun- 1655, Oct. 8. 7. Car. 2.
cil of Jamaica, Oct. 8, 1655, for
the better carrying on of af-
fairs there. 4. Thurl. 71.

- 1655, Nov. 3. Treaty of Westminster between France and England. 6. corps diplom. part 2. p. 121. 2. Mem. Am. 10.
- 1656, Mar. 27. 8. Car. 2. The assembly at Barbadoes to the Protector. 4. Thurl. 651.
- 1656, Aug. 9. A grant by Cromwell to Sir Charles de Saint Etienne, a baron of Scotland, Crowne and Temple. A French translation of it. 2. Mem. Am. 511.
- 1656, Car. 2. A paper concerning the advancement of trade. 5. Thurl. 80.
- 1656, Car. 2. A brief narration of the English rights to the Northern parts of America. 5. Thurl. 81.
- 1656, Oct. 10. 8. Car. 2. Mr. R. Bennet and Mr. S. Matthew to Secretary Thurloe. 5. Thurl. 482.
- 1656, Oct. 10. 8. Car. 2. Objections against the Lord Baltimore's patent, and reasons why the government of Maryland should not be put into his hands. 5. Thurl. 482.
- 1656, Oct. 10. 8. Car. 2. A paper relating to Maryland. 5. Thurl. 483.

A breviet of the proceedings of 1656, Oct. 10. 8. Car. 2.
the lord Baltimore and his officers and compliers in Maryland
against the authority of the parliament of the commonwealth of
England and against his highness the lord protector's authority
laws and government. 5. Thurl.

486.

The assembly of Virginia to secretary Thurlow. 5. Thurl. 497.

The governor of Barbados to the protector. 6. Thurl. 169.

Petition of the general court at 1661, Car. 2.
Hartford upon Connecticut for a charter. Smith's exam. App. 4.

Charter of the colony of Connecticut. 1662, Apr. 23. 14. Car. 2.
Smith's examn. App. 6.

The first charter granted by Charles II. to the proprietaries of Carolina, to wit, to the Earl of Clarendon, Duke of Albemarle, Lord Craven, Lord Berkeley, Lord Ashley, Sir George Carteret, Sir William Berkeley, 1663 $\frac{\text{Mar. 24.}}{\text{Apr. 4.}}$ 15. Car. 2.

1664, Feb. 10.

and Sir John Colleton. 4. mem.
Am. 554.

The concessions and agreement of
the lords proprietors of the pro-
vince of New Casarea, or New-
Jersey, to and with all and
every of the adventurers and
all such as shall settle or plant
there. Smith's New-Jersey.
App. 1.

1664, Mar. 12. 20. Car. 2. A grant of the colony of New-
York to the Duke of York.

1664, Apr. 26. 16. Car. 2. A commission to Colonel Nichols
and others to settle disputes in
New-England. Hutch. Hist. Mass.
Bay. App. 537.

1664, Apr. 26.

The commission to Sir Robert
Carre and others to put the
Duke of York in possession of
New-York, New-Jersey, and all
other lands thereunto apper-
taining.

Sir Robert Carre and others pro-
clamation to the inhabitants of
New-York, New-Jersey, &c.
Smith's N. J. 36.

Deeds of lease and release of 1664, June 23, 24. 16.C. 2.
New-Jersey by the Duke of
York to Lord Berkeley and Sir
George Carteret.

A conveyance of the Delaware
counties to William Penn.

Letters between Stuyvesant and { 1664, Aug. 12, 13, 14,
Colonel Nichols on the En- Aug. 25, Sept. 4.
glish right. Smith's N. J.
37.—42.

Treaty between the English and 1664, Aug. 27.
Dutch for the surrender of the
New-Netherlands. Sm. N. Jerf.

42.

Nicoll's commission to Sir Robert
Carre to reduce the Dutch on
Delawarre bay. Sm. N. J. 47.

Sep. 3.

Instructions to Sir Robert Carre
for reducing of Delaware bay
and settling the people there
under his majesty's obedience.
Sm. N. J. 47.

Articles of capitulation between 1664, Oct. 1.
Sir Robert Carre and the Dutch
and Swedes on Delaware bay

- and Delaware river. Sm. N. J. 49.
- 1664, Dec. 1. 16. Car. 2. The determination of the commissioners of the boundary between the Duke of York and Connecticut. Sm. Ex. Ap. 9.
1664. The New-Haven case. Smith's Ex. App. 20.
- 1665, June $\frac{11}{14}$ 17. Car. 2. The second charter granted by Charles II. to the same proprietors of Carolina. 4. Mem. Am. 586.
- 1666, Jan. 26. Declaration de guerre par la France contre l'Angleterre. 3. Mem. Am. 127.
- 1666, Feb. 9. 17. Car. 2. Declaration of war by the king of England against the king of France.
- 1667, July 31. The treaty of peace between France and England made at Breda. 7. Corps Dipl. part 1. p. 41. 2. Mem. Am. 32.
- 1667, July 31. The treaty of peace and alliance between England and the United-Provinces made at Breda.

7. Cor. Dip. p. 1. sp. 44. 2.

Mem. Am. 40.

Acte de la cession de l'Acadie au 1667, Feb. 17.

roi de France. 2. Mem. Am.

292.

Directions from the governor and 1668, April 21.

council of New-York for a
better settlement of the govern-
ment on Delaware. Sm. N.

J. 51.

Lovelace's order for customs at 1668.

the Hoarkills. Smith's N. J. 55.

A confirmation of the grant of 16— May 8. 21. Car. 2.

the northern neck of Virginia to
the Earl of St. Alban's, Lord
Berkeley, Sir William More-
ton and John Tretheway.

Incorporation of the town of New- 1672,

castle or Amstell.

A demise of the colony of Virgi- 1673, Feb. 25. 25, Car. 2.

nia to the Earl of Arlington
and Lord Culpeper for 31 years.

M. S.

Treaty at London between king 1674

Charles II. and the Dutch. Ar-
ticle VI.

Remonstrances against the two grants of Charles II. of Northern and Southern Virginia. Men. d. Beverley. 65.

1674, July 13.

Sir George Carteret's instructions to Governor Carteret.

1674, Nov. 9.

Governor Andros's proclamation on taking possession of Newcastle for the Duke of York. Sm. N. J. 78.

1675, Oct. 1. 27. Car. 2.

A proclamation for prohibiting the importation of commodities of Europe into any of his majesty's plantations in Africa, Asia, or America, which were not laden in England: and for putting all other laws relating to the trade of the plantations in effectual execution.

1676, Mar. 3.

The concessions and agreements of the proprietors, frecholders and inhabitants of the province of West-New-Jersey in America. Sm. N. J. App. 2.

1676, July 1.

A deed quintipartite for the division of New-Jersey.

Letter
Jer
Sm
Prop
Wa
Sm
The c
his
Cautio
tees
Jerf
Indian
Ran
cree
Indian
Old
in N
Indian
Rank
creek
The wi
sole
order
An ord
for th

Letter from the proprietors of New- 1676, Aug. 18.

Jersey to Richard Hartshorne.

Sm. N. J. 80.

Proprietors instructions to James

Wasse and Richard Hartshorne.

Sm. N. J. 83.

The charter of king Charles II. to 1676, Oct. 10. 28. Car. 2.

his subjects of Virginia. M. S.

Cautionary epistle from the trust- 1676.

tees of Byllinge's part of New-

Jersey. Sm. N. J. 84.

Indian deed for the lands between 1677, Sept. 10.

Rankokas creek and Timber
creek, in New-Jersey.

Indian deed for the lands from 1677, Sep. 27.

Oldman's creek to Timber creek,
in New-Jersey.

Indian deed for the lands from 1677, Oct. 10.

Rankokus creek to Assunpink
creek, in New-Jersey.

The will of Sir George Carteret, 1678, Dec. 5.

sole proprietor of East-Jersey,
ordering the same to be sold.

An order of the king in council 1680, Feb. 16.

for the better encouragement of

all his majesty's subjects in their trade to his majesty's plantations, and for the better information of all his majesty's loving subjects in these matters.

Lond. Gaz. No. 1596. Title in Amer. library. 134. 6.

1680.

Arguments against the customs demanded in New-*West-Jersey* by the governor of New-York, addressed to the Duke's commissioners. Sm. N. J. 117.

1680, June 14. 23. 25.

Oct. 16.

Nov. 4. 8. 11. 18.

20. 23.

Dec. 16.

1680, Jan. 15. 22,

Feb. 24.

Extracts of proceedings of the committee of trade and plantations; copies of letters, reports, &c. between the board of trade, Mr. Penn, Lord Baltimore, and Sir John Werden, in the behalf of the Duke of York and the settlement of the Pennsylvania boundaries by the L. C. J. North. Votes of Repr. Pennsylv. vii.—xiii.

1681, Mar. 4,

Car. 2.

A grant of Pennsylvania to William Penn. Votes of Represen. Pennsylv. xviii.

The king's declaration to the in- 1681, Apr. 2.
habitants and planters of the
province of Pennsylvania. Vo.
Rep. Penn. xxiv.

Certain conditions or concessions 1681, July 11.
agreed upon by William Penn,
proprietary and governor of
Pennsylvania, and those who
are the adventurers and pur-
chasers in the same province.

Votes of Rep. Pennsylv. xxiv.

Fundamental laws of the province 1681, Nov. 9.
of West-New-Jersey. Sm. N. J.
126.

The methods of the commissioners 1681, Jan. 14.
for settling and regulation of
lands in New-Jersey. Sm. N. J.
130.

Indentures of lease and release by 1681, Feb. 1. 2.
the executors of Sir George Car-
teret to William Penn and 11
others, conveying East-Jersey.

The Duke of York's fresh grant 1682, Mar. 14.
of East-New-Jersey to the 24
proprietors.

- 1681, Apr. 25. The Frame of the government of the province of Pennsylvania, in America. Votes of Repr. Penn. xxvii.
- 1682, Aug. 21. The Duke of York's deed for Pennsylvania. Vo. Repr. Penn. xxxv.
- 1682, Aug. 24. The Duke of York's deed of feoffment of Newcastle and twelve miles circle to William Penn. Vo. Repr. Penn.
- 1682, Aug. 24. The Duke of York's deed of feoffment of a tract of land 12 miles south from Newcastle to the Whorekills, to William Penn. Vo. Repr. Penn. xxxvii.
- 1682, Nov. 27. 34. Car. 2. A commission to Thomas Lord Culpeper to be lieutenant and governor-general of Virginia. M. S.
- 1682, 10th month, 6th day An act of union for annexing and uniting of the counties of Newcastle, Jones's and Whorekill's alias Deal, to the province of Pennsylvania, and of naturalization

tion of all foreigners in the province and counties aforesaid.

An act of settlement. 1681, Dec. 6.

The frame of the government of the province of Pennsylvania and territories thereunto annexed in America. 1683, Apr. 2.

Proceedings of the committee of	{	1683, Apr. 17, 27.	1684, Feb. 12.	1685, Mar. 17.
		May 30.	July 2, 16, 23.	Aug. 18, 26.
		June 12.	Sept. 30.	Sept. 2.
			Dec. 9.	Oct. 8, 17, 31.
				Nov. 7.

trade and plantations in the dispute between Lord Baltimore and Mr. Penn. Vo. R. P. xiii--xviii.

A commission by the proprietors of East-New-Jersey to Robert Barclay to be governor. Sm. N. J. 166. 1683, July 17.

An order of council for issuing a quo warranto against the charter of the colony of the Massachusetts's bay in New-England, with his majesty's declaration that in case the said corporation of Massachusetts's bay shall before prosecution had upon the said quo

wafranto make a full submission
and entire resignation to his
royal pleasure, he will then re-
gulate their charter in such a
manner as shall be for his ser-
vice and the good of that co-
lony. Title in Amer. library.

139. 6.

1683, Sep. 28. 35. Car. 3. A commission to Lord Howard of
Effingham to be lieutenant
and governor-general of Virgi-
nia. M. S.

1684, May 3.

The humble address of the chief
governor, council and represen-
tatives of the island of Nevis,
in the West-Indies, presented to
his majesty by Colonel Nethe-
way and Captain Jefferson, at
Windfor, May 3 1684. Title
in Amer. libr. 142. 3. cites Lond.
Gaz. No. 1927.

1684, Aug. 2.

A treaty with the Indians at Al-
bany.

1686, Nov. 16.

A treaty of neutrality for Ameri-
ca between France and England.
7. Corps. Dipl. part 2. p. 44. 2.
Mem. Am. 40.

By the King, a proclamation for 1687, Jan. 20.

the more effectual reducing and
supprelling of pirates and pri-
vateers in America, as well on
the sea as on the land in great
numbers, committing frequent
robberies and piracies, which
hath occasioned a great preju-
dice and obstruction to trade
and commerce, and given a great
scandal and disturbance to our
government in those parts. Ti-
tle Amer. libr. 147. 2. cites
Lond. Gaz. No. 2315.

Constitution of the council of pro- 1687, Feb. 12.
prieters of West-Jersey. Smith's
N. Jersey, 199.

A confirmation of the grant of the 1687, qu. Sep. 27. 4. Jac. 2.
northern neck of Virginia to
Lord Culpeper.

Governor Coxe's declaration to the 1687, Sep. 5.
council of proprietors of West-
Jersey. Sm. N. J. 190.

Provisional treaty of Whitehall 1687, Dec. 16.
concerning America between

France and England. 2. Mem.
de l'Am. 89.

1687.

Governor Coxe's narrative relating
to the division line, directed to
the council of proprietors of
West-Jersey. Sm. App. N. 4.

1687.

The representation of the council
of proprietors of West-Jersey to
Governor Burnet. Smith, App.
No. 5.

The remonstrance and petition of
the inhabitants of East-New-Jer-
sey to the king. Sm. App.
No. 8.

The memorial of the proprietors
of East-New-Jersey to the Lords
of trade. Sm. App. No. 9.

1688, Sep. 5.

Agreement of the line of parti-
tion between East and West-
New-Jersey. Sm. N. J. 196.

1691.

Conveiance of the government of
West-Jersey and territories by
Dr. Coxe, to the West-Jersey
society.

1691, Oct. 7.

A charter granted by King Wil-
liam and Queen Mary to the inha-

inhabitants of the province of Massachusetts's bay in New-England. 2.

Mem. de l'Am. 593.

The frame of government of the province of Pennsylvania and the territories thereunto belonging, passed by Governor Markham. Nov. 7. 1696.

The treaty of peace between France and England, made at Ryfwick. 1697, Sep. 20.
7. Corps Dipl. part. 2. p. 399.

2. Mem. Am. 89.

The opinion and answer of the lords of trade to the memorial of the proprietors of East-New-Jersey. Sm. App. No. 10. 1699, July 5.

The memorial of the proprietors of East-New-Jersey to the lords of trade. Sm. App. No. 11. 1700, Jan. 15.

The petition of the proprietors of East and West-New-Jersey to the lords justices of England. Sm. App. No. 12.

A confirmation of the boundary between the colonies of New-

W. 3.

- York and Connecticut, by the crown.
- 1701, Aug. 12. The memorial of the proprietors of East and West-Jersey to the king. Sm. App. No. 14.
- 1701, Oct. 2. Representation of the lords of trade to the lords justices. Sm. App. No. 13.
1701. A treaty with the Indians.
- 1701 $\frac{1}{2}$, Jan. 6. Report of lords of trade to King William of draughts of a commission and instructions for a governor of New-Jersey. Sm. N. J. 262.
- 1702, Apr. 15. Surrender from the proprietors of E. and W. N. Jersey of their pretended right of government to her majesty Q. Anne. Sm. N. J. 211.
- 1702, Apr. 17. The queen's acceptance of the surrender of government of East and West-Jersey. Sm. N. J. 219.
- 1702, Nov. 16. Instructions to Lord Cornbury. Sm. N. J. 230.

A commission from Queen Anne 1701, Dec. 5.

to Lord Cornbury, to be captain-general and governor in chief of New Jersey. Sm. N. J.

220.

Recognition by the council of 1703, June 27.

proprietors of the true boundary of the deeds of Sept. 10 and Oct. 10 1677. (New Jersey).

Sm. N. J. 96.

Indian deed for the lands above the 1703.

falls of the Delaware in West-Jersey.

Indian deed for the lands at the head of Rankokus river in West-Jersey.

A proclamation by Queen Anne 1704, June 18.

for settling and ascertaining the current rates of foreign coins in America. Sm. N. J. 281.

Additional instructions to Lord 1705, May 3.

Cornbury. Sm. N. J. 235.

Additional instructions to Lord 1707, May 3.

Cornbury. Sm. N. J. 258.

- 1707, Nov. 20. Additional instructions to Lord Cornbury. Sm. N. J. 259.
1707. An answer by the council of proprietors for the western division of New-Jersey, to questions proposed to them by Lord Cornbury. Sm. N. J. 285.
- 1708, Feb. 28. Instructions to Colonel Vetch in his negotiations with the governors of America. Sm. N. J. 364.
- 1708, Feb. 28. Instructions to the governor of New-Jersey and New-York. Sm. N. J. 361.
- 1710, Aug. Earl of Dartmouth's letter to governor Hunter.
- 1711, Apr. 22. Premieres propositions de la France. 6. Lamberty, 669. 2. Mem. Am. 341.
- 1711, Oct. 8. Réponses de la France aux demandes préliminaires de la Grande-Bretagne. 6. Lamb. 681. 2. Mem. Amer. 344.
- 1711, $\frac{\text{Sep. 27.}}{\text{Oct. 8.}}$ Demandes préliminaires plus particulieres de la Grande-Bretagne,

avec les réponses. 2. Mem. de
l'Amer. 346.

L'acceptation de la part de la
Grande-Bretagne. 2. Mem. Am.

1711, Sep. 27.
Oct. 8.

356.

The queen's instructions to the
Bishop of Bristol and Earl of
Strafford, her plenipotentiaries,
to treat of a general peace. 6.

1711, Dec. 23.

Lamberty, 744. 2. Mem. Am.
358.

A memorial of Mr. St. John to
the Marquis de Torci, with re-
gard to North America, to com-
merce, and to the suspension of
arms. 7. Recueil de Lamberty,
161. 2. Mem. de l'Amer. 376.

1712, May 24.
June 10.

Réponse du roi de France au me-
moire de Londres. 7. Lamber-
ty, p. 163. 2. Mem. Am. 380.

1712, June 10.

Traité pour une suspension d'ar-
mes entre Louis XIV. roi de
France, & Anne, reine de la
Grande-Bretagne, fait à Paris.
8. Corps Diplom. part. 1. p.
308. 2. Mem. d'Am. 104.

1712, Aug. 19.

- 1712, Sep. 10. Offers of France to England, demands of England, and the answers of France. 7. Rec. de Lamb. 491. 2. Mem. Am. 390.
- 1713, Mar. 31.
Apr. 11. Traité de paix & d'amitié entre Louis XIV. roi de France, & Anne, reine de la Grande-Bretagne, fait à Utrecht. 15. Corps Diplomatique de Dumont. 339. id. Latin. 2. Actes & memoires de la paix d'Utrecht, 457. id. Lat. Fr. 2. Mem. Am. 113.
- 1713, Mar. 31.
Apr. 11. Traité de navigation & de commerce entre Louis XIV. roi de France, & Anne, reine de la Grande-Bretagne. Fait à Utrecht. 8. Corqs Dipl. part 1. p. 345. 2. Mem. de l'Am. 137.
1726. A treaty with the Indians.
- 1728, Jan. The petition of the representatives of the province of New-Jersey, to have a distinct governor. Sm. N. J. 421.
1732. G. 2. Deed of release by the government of Connecticut to that of New-York.

The charter granted by George II. 1732, June 2. J. G. 54
for Georgia 4. Mem. de l'Am. 617.

Petition of Lord Fairfax, that a 1733.

commission might issue for running and marking the dividing line between his district and the province of Virginia.

Order of the king in council for 1733, Nov. 29.

Commissioners to survey and settle the said dividing line between the proprietary and royal territory.

Report of the lords of trade re- 1736, Aug. 5.

lating to the separating the government of the province of New-Jersey from New-York. Sm. N. J. 423.

Survey and report of the com- 1737, Aug. 10.

missioners appointed on the part of the crown to settle the line between the crown and Lord Fairfax.

Survey and report of the com- 1737, Aug. 11.

missioners appointed on the part of Lord Fairfax to settle the

line between the crown and him.

1738, Dec. 21. Order of reference of the surveys between the crown and Lord Fairfax to the council for plantation affairs.

1744, June Treaty with the Indians of the 6 nations at Lancaster.

1745, Apr. 6. Report of the council for plantation affairs, fixing the head springs of Rappahanoc and Patowmac, and a commission to extend the line.

1745, Apr. 11. Order of the king in council confirming the said report of the council for plantation affairs.

1748, Apr. 30. Articles préliminaires pour parvenir à la paix, signés à Aix-la-Chapelle entre les ministres de France, de la Grande-Bretagne, & des provinces-Unies des Pays-Bas. 2. Mem. de l'Am. 159.

1748, May 21. Declaration des ministres de France, de la Grande-Bretagne, & des Provinces-Unies des Pays-

Bas, pour rectifier les articles
I. & II. des préliminaires. 2.

Mem. Am. 165.

The general and definitive treaty 1748, Oct. 7. 22. G. 2.
of peace concluded at Aix-la-
Chapelle. Lond. Mag. 1748.

503 French. 2. Mem. Am. 169.

A treaty with the Indians. 1754.

A conference between Governor 1758, Aug. 7.
Bernard and Indian nations at
Burlington. Sm. N. J. 449.

A conference between Governor 1758, Oct. 8.
Denny, Governor Bernard and
others, and Indian nations at
Easton. Sm. N. J. 455.

The capitulation of Niagara. 1759, July 25. 33. G. 2.

The king's proclamation promising 175---
lands to fouldiers.

The definitive treaty concluded 1763, Feb. 10. 3. G. 3.
at Paris. Lond. Mag. 1763.
149.

A proclamation for regulating the 1763, Oct. 7. G. 3.
cessions made by the last treaty
of peace. Guthr. Geogr. Gram.
623.

1763.

The king's proclamation against
~~settling on any lands on the~~
waters, westward of the Alleganey.

1768, Nov. 3.

Deed from the six nations of In-
dians to William Trent and
others for lands betwixt the
Ohio and Monongahela. View
of the title to Indiana. Phil.
Styner and Cist. 1776.

1768, Nov. 5.

Deed from the six nations of In-
dians to the crown for certain
lands and settling a boundary.
M. S.

f
s
.
n
b
e
w
f
m
to
n
y
m
wa
to
att
Eri
Kis
from
whi
from
Del
Bot
and
the
mer
conc

APPENDIX.

THE preceding sheets having been submitted to my friend Mr. Charles Thomson, Secretary of Congress, he has furnished me with the following observations, which have too much merit not to be communicated.

[1.] pa. 27. Besides the three channels of communication mentioned between the western waters and the Atlantic, there are two others, to which the Pennsylvanians are turning their attention; one from Presque-isle, on Lake Erie, to Le Boeuf, down the Alleganey to Kiskiminitas, then up the Kiskiminitas, and from thence, by a small portage, to Juniata, which falls into the Susquehanna: the other from Lake Ontario to the East Branch of the Delaware, and down that to Philadelphia. Both these are said to be very practicable: and, considering the enterprising temper of the Pennsylvanians, and particularly of the merchants of Philadelphia, whose object is concentrated in promoting the commerce and

trade of one city, it is not improbable but one or both of these communications will be opened and improved.

[2.] p. 31. The reflections I was led into on viewing this passage of the Patowmac thro' the Blue ridge were, that this country must have suffered some violent convulsion, and that the face of it must have been changed from what it probably was some centuries ago: that the broken and ragged faces of the mountain on each side the river, the tremendous rocks which are left with one end fixed in the precipice, and the other jutting out and seemingly ready to fall for want of support, the bed of the river for several miles below obstructed and filled with the loose stones carried from this mound, in short every thing on which you cast your eye evidently demonstrates a disrapture and breach in the mountain, and that, before this happened, what is now a fruitful vale was formerly a great lake or collection of water which possibly might have here formed a mighty cascade, or had its vent to the ocean by the Susquehanna, where the Blue ridge seems to terminate. Besides this, there are other

other parts of this country which bear evident traces of a like convulsion. From the best accounts I have been able to obtain, the place where the Delaware now flows through the Kittatinny mountain, which is a continuation of what is called the North ridge or mountain, was not its original course, but that it passed through what is now called 'the Wind-gap,' a place several miles to the westward, and above an hundred feet higher than the present bed of the river. This Wind-gap is about a mile broad, and the stones in it such as seem to have been washed for ages by water running over them. Should this have been the case, there must have been a large lake behind that mountain, and by some uncommon swell in the waters, or by some convulsion of nature, the river must have opened its way through a different part of the mountain, and meeting there with less obstruction, carried away with it the opposing mounds of earth, and deluged the country below with the immense collection of waters to which this new passage gave vent. There are still remaining, and daily discovered, innumerable instances of such a deluge on both sides of the river, after it

passed the hills above the falls of Trenton, and reached the champaign. On the New-Jersey side, which is flatter than the Pennsylvania side, all the country below Croswick hills seems to have been overflowed to the distance of from ten to fifteen miles back from the river, and to have acquired a new soil by the earth and clay brought down and mixed with the native sand. The spot on which Philadelphia stands evidently appears to be made ground. The different strata through which they pass in digging to water, the acorns, leaves, and sometimes branches which are found above twenty feet below the surface, all seem to demonstrate this. I am informed that at York town in Virginia, in the bank of York river, there are different strata of shells and earth, one above another, which seem to point out that the country there has undergone several changes, that the sea has for a succession of ages occupied the place where dry land now appears, and that the ground has been suddenly raised at various periods. What a change would it make in the country below should the mountains at Niagara, by any accident be cleft asunder, and a passage sud-

denly opened to drain off the waters of Erie and the Upper lakes! While ruminating on these subjects I have often been hurried away by fancy, and led to imagine that what is now the bay of Mexico was once a campaign country, and that from the point or cape of Florida, there was a continued range of mountains through Cuba, Hispaniola, Porto rico, Martinique, Guadaloupe, Barbadoes and Trinidad till it reached the coast of America, and formed the shores which bounded the ocean and guarded the country behind: that by some convulsion or shock of nature the sea had broken through these mounds and deluged that vast plain till it reached the foot of the Andes; that being there heaped up by the trade winds, always blowing from one quarter, it had found its way back, as it continues to do, through the gulph between Florida and Cuba, carrying with it the loom and sand it may have scooped from the country it had occupied, part of which it may have deposited on the shores of North America, and with part formed the banks of Newfoundland.—But these are only the visions of fancy.

[3.] pa. 62. There is a plant or weed, called the * James town weed, of a very singular quality. The late Dr. Bond informed me, that he had under his care a patient, a young girl, who had put the seeds of this plant into her eye, which dilated the pupil to such a degree, that she could see in the dark, but in the light was almost blind. The effect that the leaves had when eaten by a ship's crew that arrived at James town, are well known.†

[4.] pa. 118. Monf. Buffon has indeed given an afflicting picture of human nature in his description of the man of America. But sure I am there never was a picture more unlike the original. He grants indeed that his stature is the same as that of the man of Europe. He might have admitted that the Iroquois were larger, and the Lenopi, or Delawares taller than people in Europe generally are. But he says their organs of generation are smaller and weaker than those of Europe-

* *Datura pericarpis erectis ovatis.* Linn.

† An instance of temporary imbecility produced by them is mentioned, Beverl. H. of Virg. B. 2. c. 4,

ans. Is this a fact? I believe not. At least it is an observation I never heard before.—
 ‘They have no beard.’ Had he known the pains and trouble it costs the men to pluck out, by the roots the hair that grows on their faces, he would have seen that nature had not been deficient in that respect. Every nation has its customs. I have seen an Indian beau, with a looking glass in his hand, examining his face for hours together, and plucking out by the roots every hair he could discover, with a kind of tweezer made of a piece of fine brass wire that had been twisted round a stick, and which he used with great dexterity.—‘They have no ardour for their female.’ It is true they do not indulge those excesses, nor discover that fondness which is customary in Europe; but this is not owing to a defect in nature, but to manners. Their soul is wholly bent upon war. This is what procures them glory among the men, and makes them the admiration of the women. To this they are educated from their earliest youth. When they pursue game with ardor, when they bear the fatigues of the chase, when they sustain and suffer patiently hunger and cold; it is not so

much for the sake of the game they pursue, as to convince their parents and the council of the nation that they are fit to be enrolled in the number of the warriors. The songs of the women, the dance of the warriors, the sage counsel of the chiefs, the tales of the old, the triumphal entry of the warriors returning with success from battle, and the respect paid to those who distinguish themselves in war and in subduing their enemies, in short every thing they see or hear tends to inspire them with an ardent desire for military fame. If a young man were to discover a fondness for women before he has been to war, he would become the contempt of the men, and the scorn and ridicule of the women. Or were he to indulge himself with a captive taken in war, and much more were he to offer violence in order to gratify his lust, he would incur indelible disgrace. The seeming frigidity of the men therefore is the effect of manners, and not a defect of nature. Besides a celebrated warrior is oftner courted by the females, than he has occasion to court: and this is a point of honour which the men aim at. Instances

similar to that of * Ruth and Boaz are not uncommon among them. For though the women are modest and diffident, and so bashful that they seldom lift up their eyes, and scarce ever look a man full in the face, yet, being brought up in great subjection, custom and manners reconcile them to modes of acting, which, judged of by Europeans, would be deemed inconsistent with the rules of female decorum and propriety. I once saw a young widow whose husband, a warrior, had died about eight days before, hastening to finish her grief, and who by tearing her hair, beating her breast, and drinking spirits, made the tears flow in great abundance, in order that she might grieve much in a short space of time, and be married that evening to another young warrior. The manner in which this was viewed by the men and women of the tribe, who stood round, silent and solemn spectators of the scene, and the

* When Boaz had eaten and drank, and his heart was merry, he went to lie down at the end of the heap of corn : and Ruth came softly, and uncovered his feet, and laid her down. Ruth 3. 7.

indifference with which they answered my question respecting it, convinced me that it was no unusual custom. I have known men advanced in years whose wives were old and past child bearing, take young wives and have children, though the practice of polygamy is not common. Does this savour of frigidity, or want of ardour for the female? Neither do they seem to be deficient in natural affection. I have seen both fathers and mothers in the deepest affliction, when their children have been dangerously ill; though I believe the affection is stronger in the descending than the ascending scale, and though custom forbids a father to grieve immoderately for a son slain in battle.---'That they are timorous and cowardly,' is a character with which there is little reason to charge them, when we recollect the manner in which the Iroquois met *Monf.* who marched into their country; in which the old men, who scorned to fly, or to survive the capture of their town, braved death, like the old Romans in the time of the Gauls, and in which they soon after revenged themselves by sacking and destroying Montreal. But above all, the unshaken fortitude with

which they bear the most excruciating tortures and death when taken prisoners, ought to exempt them from that character. Much less are they to be characterised as a people of no vivacity, and who are excited to action or motion only by the calls of hunger and thirst. Their dances in which they so much delight, and which to a European would be the most severe exercise, fully contradict this, not to mention their fatiguing marches and the toil they voluntarily and cheerfully undergo in their military expeditions. It is true that when at home, they do not employ themselves in labour or the culture of the soil: but this again is the effect of customs and manners, which have assigned that to the province of the women. But it is said they are averse to society and a social life. Can any thing be more inapplicable than this to a people who always live in towns or clans? Or can they be said to have no 'republique,' who conduct all their affairs in national councils, who pride themselves in their national character, who consider an insult or injury done to an individual by a stranger as done to the whole, and resent it accordingly? In short, this picture is not ap-

plicable to any nation of Indians I have ever known or heard of in North America.

[5.] pa. 172. As far as I have been able to learn, the country from the sea coast to the Alleghaney, and from the most southern waters of James river up to Patuxent river, now in the state of Maryland, was occupied by three different nations of Indians, each of which spoke a different language, and were under separate and distinct governments. What the original or real names of those nations were, I have not been able to learn with certainty: but by us they are distinguished by the names of Powhatans, Manna-hoacs, and Monacans, now commonly called Tuscaroras. The Powhatans, who occupied the country from the sea shore up to the falls of the rivers, were a powerful nation, and seem to have consisted of seven tribes, five on the western and two on the eastern shore. Each of these tribes was subdivided into towns, families, or clans, who lived together. All the nations of Indians in North America lived in the hunter state, and depended for subsistence on hunting, fishing, and the spontaneous fruits of the earth, and a kind

of grain which was planted and gathered by the women, and is now known by the name of Indian corn. Long potatoes, pumpkins of various kinds, and squashes, were also found in use among them. They had no flocks, herds, or tamed animals of any kind. Their government is a kind of patriarchal confederacy. Every town or family has a chief, who is distinguished by a particular title, and whom we commonly call 'Sachem.' The several towns or families that compose a tribe, have a chief who presides over it, and the several tribes composing a nation have a chief who presides over the whole nation. These chiefs are generally men advanced in years, and distinguished by their prudence and abilities in council. The matters which merely regard a town or family are settled by the chief and principal men of the town: those which regard a tribe, such as the appointment of head warriors or captains, and settling differences between different towns and families, are regulated at a meeting or council of the chiefs from the several towns; and those which regard the whole nation, such as the making war, concluding peace, or forming alliances with the neighbouring

nations, are deliberated on and determined in a national council composed of the chiefs of the tribe, attended by the head warriors and a number of the chiefs from the towns, who are his counsellors. In every town there is a council house, where the chief and old men of the town assemble, when occasion requires, and consult what is proper to be done. Every tribe has a fixed place for the chiefs of the towns to meet and consult on the business of the tribe: and in every nation there is what they call the central council house, or central council fire, where the chiefs of the several tribes, with the principal warriors, convene to consult and determine on their national affairs. When any matter is proposed in the national council, it is common for the chiefs of the several tribes to consult thereon apart with their counsellors, and, when they have agreed, to deliver the opinion of the tribe at the national council: and, as their government seems to rest wholly on persuasion, they endeavour, by mutual concessions, to obtain unanimity. Such is the government that still subsists among the Indian nations bordering upon the United states. Some historians seem to think that

th
ta
we
tri
fin
ed
ni
the
of
wh
me
fai
of
cou
The
by
Cap
Pow
and
Wa
old
old
thri
wer
foom
der
nou

the dignity of office of Sachem was hereditary. But that opinion does not appear to be well founded. The Sachem or chief of the tribe seems to be by election. And sometimes persons who are strangers, and adopted into the tribe, are promoted to this dignity, on account of their abilities. Thus on the arrival of Capt. Smith, the first founder of the colony of Virginia, Opechancanough, who was Sachem or chief of the Chickahomnies, one of the tribes of the Powhatans, is said to have been of another tribe, and even of another nation, so that no certain account could be obtained of his origin or descent. The chiefs of the nation seem to have been by a rotation among the tribes. Thus when Capt. Smith, in the year 1609, questioned Powhatan (who was the chief of the nation, and whose proper name is said to have been Wahunsonacock) respecting the succession, the old chief informed him, ' that he was very old and had seen the death of all his people thrice ; that not one of these generations were then living except himself, that he must soon die and the succession descend in order to his brothers Opichapan, Opechancanough, and Catataugh, and then to his two

sisters, and their two daughters. But these were appellations designating the tribes in the confederacy. For the persons named are not his real brothers, but the chiefs of different tribes. Accordingly in 1618, when Powhatan died, he was succeeded by Opitchapan, and after his decease Opechancanough became chief of the nation. I need only mention another instance to shew that the chiefs of the tribes claimed this kindred with the head of the nation. In 1622, when Raleigh Crashaw was with Japazaw, the Sachem or chief of the Patowmacs, Opechancanough, who had great power and influence, being the second man in the nation, and next in succession to Opitchapan, and who was a bitter but secret enemy to the English, and wanted to engage his nation in a war with them, sent two baskets of beads to the Patowmac chief, and desired him to kill the Englishman that was with him. Japazaw replied that the English were his friends, and Opitchapan his *brother*, and that therefore there should be no blood shed between them by his means. It is also to be observed, that when the English first came over, in all their conferences with any of the chiefs, they con-

stantly heard him make mention of his brother with whom he must consult, or to whom he referred them, meaning thereby either the chief of the nation, or the tribes in confederacy. The Manahoacks are said to have been a confederacy of four tribes, and in alliance with the Monacans, in the war which they were carrying on against the Powhatans.

To the northward of these there was another powerful nation which occupied the country from the head of the Chesapeak bay up to the Kittatinney mountain, and as far eastward as Connecticut river, comprehending that part of New-York which lies between the highlands and the ocean, all the state of New-Jersey, that part of Pennsylvania which is watered, below the range of the Kittatinney mountains, by the rivers or streams falling into the Delaware, and the county of Newcastle in the state of Delaware, as far as Duck creek. It is to be observed, that the nations of Indians distinguished their countries one from another by natural boundaries, such as ranges of mountains, or streams of water. But as the heads of rivers frequently interlock, or approach near to each

other, as those who live upon a stream claim the country watered by it, they often encroached on each other, and this is a constant source of war between the different nations. The nation occupying the tract of country last described called themselves Lenopi. The French writers call them Loups; and among the English they are now commonly called Delawares. This nation or confederacy consisted of five tribes, who all spoke one language. 1. The Chihohocki, who dwelt on the West side of the river now called Delaware, a name which it took from Lord De la War, who put into it on his passage from Virginia in the year 1610, but which by the Indians was called Chihohocki. 2. The Wanami, who inhabited the country, called New-Jersey, from the Rariton to the sea. 3. The Munsey, who dwelt on the upper streams of the Delaware, from the Kittanney mountains down to the Leheigh or western branch of the Delaware. 4. The Wabinga, who are sometimes called River Indians, sometimes Mohickanders, and who had their dwelling between the west branch of Delaware and Hudson's river, from the Kittanney ridge down to the Rariton: and 5. The

5. The Mahiccon, or Mahattan, who occupied Staten island, York island (which from its being the principal seat of their residence was formerly called Mahatton) Long island and that part of New-York and Connecticut which lies between Hudson and Connecticut rivers, from the highland, which is a continuation of the Kittatinney ridge down to the sound. This nation had a close alliance with the Shawanese, who lived on the Susquehanna and to the westward of that river as far as the Alleghaney mountains, and carried on a long war with another powerful nation or confederacy of Indians, which lived to the north of them between the Kittatinney mountains or highlands and the lake Ontario, and who call themselves Mingos, and are called by the French writers Iroquois, by the English the Five Nations, and by the Indians to the southward, with whom they were at war, Massawomacs. This war was carrying on, in its greatest fury, when Captain Smith first arrived in Virginia. The Mingo warriors had penetrated down the Susquehanna to the mouth of it. In one of his excursions up the bay, at the mouth of Susquehanna, in 1608, Captain Smith met

with six or seven of their canoes full of warriors, who were coming to attack their enemies in the rear. In an excursion which he had made a few weeks before, up the Rappahanock, and in which he had a skirmish with a party of the Manahoacs, and taken a brother of one of their chiefs prisoner, he first heard of this nation. For when he asked the prisoner, why his nation attacked the English? the prisoner said, because his nation had heard that the English came from under the world to take their world from them. Being asked, how many worlds he knew? he said he knew but one, which was under the sky that covered him, and which consisted of the Powhatans, the Manakins, and the Massawomacs. Being questioned concerning the latter, he said, they dwelt on a great water to the North, that they had many boats, and so many men that they waged war with all the rest of the world. The Mingo confederacy then consisted of five tribes; three who are called the elder, to wit, the Senecas who live to the West, the Mowhawks to the East, and the Onondagas between them; and two who are called the younger tribes, namely, the Cayugas,

and Oneidas. All these tribes speak one language, and were then united in a close confederacy, and occupied the tract of country from the East end of lake Erie to lake Champlain, and from the Kittatinney and Highlands to the lake Ontario and the river Cataraqui, or St. Laurence. They had, some time before that, carried on a war with a nation, who lived beyond the lakes, and were called Adirondacs. In this war they were worsted: but having made a peace with them, through the intercession of the French, who were then settling Canada, they turned their arms against the Lenopi; and as this war was long and doubtful, they, in the course of it, not only exerted their whole force, but put in practice every measure which prudence or policy could devise to bring it to a successful issue. For this purpose they bent their course down the Susquehanna, warring with the Indians in their way, and having penetrated as far as the mouth of it, they, by the terror of their arms, engaged a nation, now known by the name of Nanticocks, Conoys, and Tuteloes, and who lived between Chesapeak and Delaware bays, and bordering on the tribe of

Chilohocki, to enter into an alliance with them. They also formed an alliance with the Monakans, and stimulated them to a war with the Lenopi and their confederates. At the same time the Mohawks carried on a furious war down the Hudson against the Mohiccons and river indians, and compelled them to purchase a temporary and precarious peace, by acknowledging them to be their superiors, and paying an annual tribute. The Lenopi being surrounded with enemies, and hard pressed, and having lost many of their warriors, were at last compelled to sue for peace, which was granted to them on the condition that they should put themselves under the protection of the Mingoes, confine themselves to raising corn, hunting for the subsistence of their families, and no longer have the power of making war. This is what the Indians call making them women. And in this condition the Lenopis were when William Penn first arrived and began the settlement of Pennsylvania in 1682.

(6) Pa. 179. From the figurative language of the Indians, as well as from the practice of those we are still acquainted with, it is evident

that it was, and still continues to be a constant custom among the Indians to gather up the bones of the dead and deposit them in a particular place. Thus when they make peace with any nation, with whom they have been at war, after burying the hatchet, they take up the belt of wampum, and say, 'We now gather up all the bones of those who have been slain, and bury them, &c.' See all the treaties of peace. Besides, it is customary when any of them die at a distance from home, to bury them, and afterwards to come and take up the bones and carry them home. At a treaty which was held at Lancaster with the six nations, one of them died, and was buried in the woods a little distance from the town. Some time after a party came and took up the body, separated the flesh from the bones by boiling and scraping them clean, and carried them to be deposited in the sepulchres of their ancestors. The operation was so offensive and disagreeable that nobody could come near them while they were performing it.

(7) Pa. 190. The Ofwegatchies, Connosedagos and Cohunnegàgoes, or as they are commonly

called Cagnewagos, are of the Mingo or Six nation Indians, who, by the influence of the French missionaries, have been separated from their nation, and induced to settle there.

I do not know of what nation the Angquagahs are, but suspect they are a family of the Senecas.

The Nanticocks and Conoies were formerly of a nation that lived at the head of Chesapeak bay, and who, of late years have been adopted into the Mingo or Iroquois confederacy, and make a seventh nation. The Monacans or Tuscaroras, who were taken into the confederacy in 1712, making the sixth.

The Saponies are families of the Wanamies, who removed from New-Jersey, and, with the Mohiccons, Munfies, and Delawares, belong to the Lenopi nation. The Mingos are a war colony from the six nations; so are the Cohunnewagos.

Of the rest of the northern tribes I never have been able to learn any thing certain.

But all accounts seem to agree in this, that there is a very powerful nation, distinguished by a variety of names taken from the several towns or families, but commonly called Tawas or Outawas, who speak one language, and live round and on the waters that fall into the western lakes and extend from the waters of the Ohio quite to the waters falling into Hudson's bay.

The Nanticokes and Conoes were formerly of a nation that lived at the head of Chesapeake bay, and who, of late years have been adopted into the Mingo or Iroquois confederacy, and make a seventh nation. The Mingo or Iroquois, who were taken into the confederacy in 1714, making the fifth.

The Shawanese are natives of the Shawanese, who removed from the Delaware, and with the Nanticokes, Mingo, and Delaware, belong to the Iroquois nation. The Mingo are a colony from the Iroquois, to the Delaware.

Of the rest of the northern tribes I never have been able to learn any thing certain.

NOTES on the state of VIRGINIA.

the state of Virginia is one of the most fertile and healthy in the Union. It is bounded on the north by Maryland, on the east by the Atlantic Ocean, on the south by North Carolina, and on the west by Kentucky and Tennessee. The capital is Richmond, and the largest city is Philadelphia. The state is divided into 31 counties and 3 independent cities.



1. Population	1,200,000
2. Area	40,000 sq. miles
3. Climate	Temperate
4. Soil	Fertile
5. Agriculture	Wheat, corn, tobacco
6. Manufactures	Textiles, iron, wood
7. Commerce	Shipping, trade
8. Education	Universities, colleges
9. Religion	Protestant, Catholic
10. Government	Constitutional
11. History	Settlement, war
12. Geography	Mountains, rivers
13. Natural Resources	Gold, iron, coal
14. Health	Good
15. Wealth	High
16. Power	Strong
17. Influence	Great
18. Reputation	High
19. Honor	High
20. Respect	High
21. Esteem	High
22. Admiration	High
23. Veneration	High
24. Reverence	High
25. Awe	High
26. Fear	High
27. Dread	High
28. Horror	High
29. Shock	High
30. Astonishment	High
31. Amazement	High

D R A U G H T
OF A
FUNDAMENTAL CONSTITUTION
FOR THE
COMMONWEALTH OF VIRGINIA.

TO the citizens of the Commonwealth of Virginia, and all others whom it may concern, the Delegates for the said Commonwealth in Convention assembled, send greeting.

It is known to you and to the world, that the government of Great Britain, with which the American States were not long since connected, assumed over them an authority unwarrantable and oppressive; that they endeavored to enforce this authority by arms, and that the States of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, considering resistance, with all its train of horrors, as a lesser evil than abject submission, closed in the appeal to arms. It hath pleased the sovereign disposer of all human events to give to this appeal an issue favourable to the rights of the States; to enable them to reject for ever all dependance on a government which had shewn itself so capable of abusing the trusts reposed in it; and to obtain from that government a solemn and explicit acknowledgment that they are free, sovereign, and independant States. During the progress of that war through which we had to labour for the establishment of our rights, the legislature of the commonwealth of Virginia, found it necessary to make a temporary organization of government for preventing anarchy, and pointing our efforts to the two important objects of war

against our invaders, and peace and happiness among ourselves. But this, like all other their acts of legislation, being subject to change by subsequent legislatures, possessing equal powers with themselves, it has been thought expedient that it should receive those amendments which time and trial have suggested, and be rendered permanent by a power superior to that of the ordinary legislature. The general assembly therefore of this state recommended it to the good people thereof, to chuse delegates to meet in general convention, with powers to form a constitution of government for them, and to declare those fundamentals to which all our laws present and future shall be subordinate: and in compliance with this recommendation they have thought proper to make choice of us, and to vest us with powers for this purpose.

We therefore the delegates, chosen by the said good people of this state for the purpose aforesaid, and now assembled in general convention, do, in execution of the authority with which we are invested, establish the following constitution and fundamentals of government for the said state of Virginia.

The said state shall for ever hereafter be governed as a commonwealth.

The powers of government shall be divided into three distinct departments, each of them to be confided to a separate body of magistracy: to wit, those which are legislative to one, those which are judiciary to another, and those which are executive to another. No person or collection of persons being of one of these departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly permitted.

I. Legislature. The legislature shall consist of two branches, the one to be called the House of Delegates, the other the Senate, and both together the General Assembly. The concurrence of both of these, expressed on three several readings, shall be necessary to the passage of a law.

Election. Delegates for the general assembly shall be chosen on the last Monday of November in every year. But if an

Election cannot be concluded on that day. It may be adjourned from day to day until it can be concluded.

The number of delegates which each county may send shall be in proportion to the number of its qualified electors, and the whole number of delegates for the State shall be proportioned to the whole number of qualified electors in it, that they shall never exceed 100, nor be fewer than 60. Whenever such excess or deficiency shall take place, the House of Delegates is deficient or excessive shall, notwithstanding this, continue in being during its session, but they shall, during that term, readjust the proportion so as to bring their number within the limits before mentioned at the ensuing election. If any county be reduced in its qualified electors below the number authorized to send one delegate, let it be annexed to some adjoining county.

Delegates.

For the election of Senators, let the several counties be divided by the Senate from time to time into such and so many districts as they shall find best, and let each county at the time of electing its delegates, choose Senatorial electors, qualified as themselves are, and four in number, for each delegate their county is entitled to send, who shall convene, and conduct themselves, in such manner as the legislature shall direct, with the Senatorial electors from the other counties of their district, and then choose, by ballot, one Senator for every six delegates which their district is entitled to choose. Let the Senatorial districts be divided into two classes, and let the members of one of them be dissolved at the first ensuing general election of delegates, the other at the next, and so on alternately for ever.

Senate.

All free male citizens, of full age, and sane mind, who for one year before shall have been resident in the county, or shall through the whole of that time have possessed therein real property of the value of \$100, or shall for the same time have been enrolled in the militia, and no others, shall have a right to vote for delegates for the said county, and for Senatorial electors for the district. They shall give their votes personally, and viva voce.

Electors.

General assembly.

The general assembly shall meet at the place to which the last adjournment was, on the 4th day after the day of the election of delegates, and thenceforward at any other time or place on their own adjournment, till their office expires which shall be on the day preceding that appointed for the meeting of the next general assembly. But if they shall at any time adjourn for more than one year, it shall be as if they had adjourned for one year precisely. Neither house without the concurrence of the other shall adjourn for more than one week, nor to any other place than the one at which they are sitting. The governor shall also have power, with the advice of the council of state, to call them at any other time to the same place, or to a different one, if that shall have become, since the last adjournment, dangerous from an enemy, or from infection.

Quorum.

A majority of either house shall be a quorum, and shall be requisite, for doing business: but any smaller proportion which from time to time shall be thought expedient by the respective houses, shall be sufficient to call for, and to punish, their non-attending members, and to adjourn themselves for any time not exceeding one week.

Privileges.

The members, during their attendance on the general assembly, and for so long a time before and after as shall be necessary for travelling to and from the same, shall be privileged from all personal restraint and assault, and shall have no other privilege whatsoever. They shall receive during the same time, daily wages in gold or silver, equal to the value of two bushels of wheat. This value shall be deemed one dollar by the bushel, till the year 1790, in which, and in every tenth year thereafter, the general court, at their first sessions in the year, shall cause a special jury, of the most respectable merchants and farmers, to be summoned, to declare what shall have been the averaged value of wheat during the last ten years; which averaged value shall be the measure of wages for the ten subsequent years.

Exclusion.

Of this general assembly the treasurer, attorney general, register, ministers of the gospel, officers of the rega-

The General Assembly shall meet at the place to which
has arrived of this state, on of the United States, persons
receiving salaries or emoluments from any power foreign
to our confederacy, those who are not resident in the
country for which they are chosen delegates, or districts
for which they are chosen senators, those who are not
qualified as electors, persons who shall have committed
treason, felony, or such other crime as would subject
them to infamous punishment, or who shall have been
convicted by due course of law of bribery or corrup-
tion in endeavouring to procure an election to the said
assembly shall be incapable of being members. All
others not herein elsewhere excluded, who may elect
shall be capable of being elected thereto.

Any member of the said assembly accepting any office
of profit under this state, or the United States, or any of
them, shall thereby vacate his seat, but shall be capable
of being re-elected.

Vacancies occasioned by such disqualifications, by
death, or otherwise, shall be supplied by the electors
on a writ from the speaker of the respective house.

The General Assembly shall not have power to infringe
this constitution; to abridge the civil rights of any person
on account of his religious belief; to restrain him from
professing and supporting that belief, or to compel him
to contributions, other than those he shall have personal-
ly stipulated for the support of that or any other; to or-
dain death for any crime but treason or murder, or mi-
litary offences; to pardon, or give a power of pardoning
persons duly convicted of treason or felony, but instead
thereof they may substitute one or two new trials, and
no more; to pass laws for punishing actions done before
the existence of such laws; to pass any bill of attainder
of treason or felony; to prescribe torture in any case
whatever; nor to permit the introduction of any more
slaves to reside in this state, or the continuance of slave-
ry beyond the generation which shall be living on the
thirty-first day of December, one thousand eight hun-
dred, all persons born after that day being hereby de-
clared free.

General Assembly

Quorum

Vacancies

Limits of power

Exclusion

The general assembly shall have power to sever from this state all or any part of its territory westward of the Ohio, or of the meridian of the mouth of the great Kanawha; and to cede to Congress one hundred square miles of territory in any other part of this state, exempted from the jurisdiction and government of this state so long as Congress shall hold their sessions therein, or in any territory adjacent thereto, which may be ceded to them by any other state.

They shall have power to appoint the speakers of their respective houses, treasurers, auditors, attorney general, registers, all general officers of the military, their own clerks and serjeants, and no other officers, except where, in other parts of this constitution, such appointment is expressly given them.

II. Executive. Governor.

The executive powers shall be exercised by a governor, who shall be chosen by joint ballot of both houses of assembly, and when chosen shall remain in office five years, and be ineligible a second time. During his term he shall hold no other office or emolument under this state, or any other state or power whatsoever. By executive powers, we mean no reference to those powers exercised under our former government by the crown as of its prerogative, nor that these shall be the standard of what may or may not be deemed the rightful powers of the governor. We give him those powers only which are necessary to execute the laws (and administer the government) and which are not in their nature either legislative or judiciary. The application of this idea must be left to reason. We do however expressly deny him the prerogative powers of erecting courts, offices, boroughs, corporations, fairs, markets, ports, beacons, light-houses, and sea-marks; of laying embargoes, of establishing precedence, of retaining within the state or recalling to it any citizen thereof, and of making denizens, except so far as he may be authorized from time to time by the legislature to exercise any of those powers. The powers of declaring war and concluding peace, of contracting alliances, of issuing letters of marque and reprisal, of raising or introducing armed forces, of building

most vessels, forts, or trading holds, or coming commodity or regulating its value, or regulating weights and measures, we have to be exercised under the authority of the confederation; but in all cases respecting them which arise of the said confederation, they shall be exercised by the governor, under the regulation of such laws as the legislature may think it expedient to pass.

The whole military of the state, whether regular, or of militia, shall be subject to his directions; but he shall have the execution of those directions to the general officers appointed by the legislature.

His salary shall be fixed by the legislature at the session of assembly in which he shall be appointed, and before such appointment be made; or if it be not then fixed, it shall be the same which his next predecessor in office was entitled to. In either case he may demand it quarterly out of any money which shall be in the public treasury, and it shall not be in the power of the legislature to give him less or more, either during his continuance in office, or after he shall have gone out of it. The lands, houses, and other things appropriated to the use of the governor, shall remain to his use during his continuance in office.

A council of state shall be chosen by joint ballot of both houses of assembly, who shall hold their offices seven years, and be ineligible a second time, and who, while they shall be of the said council, shall hold no other office or emolument, under this state, or any other state or power whatsoever. Their duty shall be to attend and advise the governor when called on by him, and their advice in any case shall be a sanction to him. They shall also have power, and it shall be their duty, to meet at their own will, and to give their advice, though not required by the governor, in cases where they shall think the public good calls for it. Their advice and proceedings shall be entered in books to be kept for that purpose, and shall be signed as approved or disapproved by the members present. These books shall be laid before either House of assembly when called for by them. The said council shall consist of eight mem-

Council of
state.

bers for the present : but their numbers may be increased or reduced by the Legislature, whenever they shall think it necessary : provided such reduction be made only as the appointments become vacant by death, resignation, disqualification, or regular deprivation. A majority of their actual number, and not fewer, shall be a quorum. They shall be allowed for the present

each by the year, payable quarterly out of any money which shall be in the public treasury. Their salary however may be increased or abated from time to time at the discretion of the Legislature; provided such increase or abatement shall not, by any ways or means, be made to affect either then, or at any future time, any one of those then actually in office. At the end of each quarter their salary shall be divided into equal portions by the number of days on which, during that quarter, a council has been held, or required by the governor, or by their own adjournment, and one of those portions shall be withheld from each member for every of the said days which, without cause allowed good by the board, he failed to attend, or departed before adjournment without their leave. If no board should have been held during that quarter, there shall be no deduction.

President.

They shall annually chuse a *president*, who shall preside in council in the absence of the governor, and who, in case of his office becoming vacant by death or otherwise, shall have authority to exercise all his functions, till a new appointment be made, as he shall also in any interval during which the governor shall declare himself unable to attend to the duties of his office.

III. Judiciary

The *Judiciary* powers shall be exercised by county courts and such other inferior courts as the Legislature shall think proper to continue or to erect, by three superior courts, to wit, a Court of Admiralty, a General Court of Common Law, and a High Court of Chancery; and by one supreme court to be called the Court of Appeals.

The judges of the High Court of Chancery, General Court, and Court of Admiralty, shall be four in number and Admiralty two members of the House of Delegates

each, to be appointed by joint ballot of both houses of assembly, and to hold their offices during good behaviour. While they continue judges, they shall hold no other office or emolument, under this state, or any other state or power whatsoever, except that they may be delegated to congress, receiving no additional allowance.

These judges, assembled together, shall constitute the Court of Appeals, whose business shall be to receive and determine appeals from the three superior courts, but to receive no original causes, except in the cases expressly permitted herein.

A majority of the members of either of these courts, and not fewer, shall be a quorum. But in the Court of Appeals, nine members shall be necessary to do business. Any smaller numbers however may be authorized by the legislature to adjourn their respective courts.

They shall be allowed for the present each by the year, payable quarterly out of any money which shall be in the public treasury. Their salaries however may be increased or abated, from time to time, at the discretion of the legislature, provided such increase or abatement shall not, by any ways or means, be made to affect, either then, or at any future time, any one of those then actually in office. At the end of each quarter their salary shall be divided into equal portions by the number of days on which, during that quarter, their respective courts sat, or should have sat, and one of these portions shall be withheld from each member for every of the said days, which, without cause allowed good by his court, he failed to attend, or departed before adjournment without their leave. If no court should have been held during the quarter, there shall be no deduction.

There shall moreover be a court of Impeachment to consist of three members of the council of state, one of each of the superior Courts of Chancery, Common Law and Admiralty, two members of the House of Delegates

and one shall be chosen by the body respectively of which they are. Before this court any member of either of the branches of government, that is to say, the governor, any member of the council, of the two houses of legislature, or of the superior courts, may be impeached by the governor, the council, or either of the said houses or courts, and by no other, for such misbehaviour in office as would be sufficient to remove him therefrom, and the only sentence they shall have authority to pass shall be that of deprivation and future incapacity of office. Seven members shall be requisite to make a court, and two thirds of those present must concur in the sentence. The offences cognizable by this court shall be cognizable by no other, and they shall be tried of the fact as well as judges of the law.

The justices or judges of the inferior courts already erected, or hereafter to be erected, shall be appointed by the governor, on advice of the council of state, and shall hold their offices during good behaviour, or the existence of their court. For breach of the good behaviour, they shall be tried according to the laws of the land, before the Court of Appeals, who shall be judges of the fact as well as of the law. The only sentence they shall have authority to pass shall be that of deprivation and future incapacity of office, and two thirds of the members present must concur in this sentence.

All courts shall appoint their own clerks, who shall hold their offices during good behaviour, or the existence of their court: they shall also appoint all other their attending officers to continue during their pleasure. Clerks appointed by the supreme or the superior courts shall be removeable by their respective courts. Those to be appointed by other courts shall have been previously examined, and certified to be duly qualified, by some two members of the general court, and shall be removeable for breach of the good behaviour by the Court of Appeals only, who shall be judges of the fact as well as of the law. Two thirds of the members present must concur in the sentence.

The justices or judges of the inferior courts may be members of the legislature.

The judgment of no inferior court shall be final in any civil case of greater value than one hundred dollars, but last cases in the general court for setting the allowance to the members of the general assembly, nor in any case of treason, felony, or other crime which would subject the party to infamous punishment.

In all causes depending before any court other than those of impeachments, of appeals, and military courts, facts put in issue shall be tried by jury, and in all courts whatever witnesses shall give their testimony, except in open court, wherever their attendance can be procured: and all parties shall be allowed counsel and compulsory process for their witnesses.

Fines, amercements, and terms of imprisonment, except by the law, other than for contempt, shall be fixed by the jury, triers of the offence.

The governor, two counsellors of state, and a judge from each of the superior Courts of Chancery, Common Law, and Admiralty, shall be a council to revise all bills which shall have passed both houses of assembly, in which council the governor, when present, shall preside. Every bill, before it becomes a law, shall be presented to this council, who shall have a right to advise its rejection, returning the bill with their advice and reasons in writing to the house in which it originated, who shall proceed to reconsider the said bill. But if after such reconsideration, two thirds of the house shall be of opinion the bill should pass finally, they shall pass and send it, with the advice and written reasons of the said council of revision to the other house, wherein if two thirds also shall be of opinion it should pass finally, it shall thereupon become law: otherwise it shall not.

If any bill, presented to the said council, be not, within one week (exclusive of the day of presenting it) returned by them, with their advice of rejection and rea-

IV. Council
of Revision.

and in the House wherein it originated, or to the clerk of the said House, in case of its adjournment over the expiration of the week, it shall be law from the expiration of the week, and shall then be demandable by the clerk of the House of Delegates, to be filed of record in his office.

The bills, which they approve shall become law from the time of such approbation, and shall then be returned to, or demandable by, the clerk of the House of Delegates, to be filed of record in his office.

A bill rejected on advice of the Council of Revision may again be proposed, during the same session of assembly, with such alterations as will render it conformable to their advice.

The members of the said Council of Revision shall be appointed from time to time by the board or court of which they respectively are. Two of the executive and two of the judiciary members shall be requisite to do business: and to prevent the evils of non-attendance, the board and courts may, at any time, name all, or to many as they will, of their members in the particular order in which they would chuse the duty of attendance to devolve from preceeding to subsequent members, the preceeding failing to attend. They shall have additionally for their services in this council the same allowance as members of assembly have.

Confederacy The Confederation is made a part of this constitution, subject to such future alterations as shall be agreed to by the legislature of this state, and by all the other confederating states.

Delegates to Congress, The Delegates to Congress shall be five in number; any three of whom, and no fewer, may be a representation. They shall be appointed by joint ballot of both houses of assembly for any term not exceeding one year, subject to be recalled, within the term, by joint vote of both the said houses. They may at the same time be members of the legislative or judiciary departments, but not of the executive.

Military.

Printing.

Convention.

Confidential

Conferences in
Delaware to

This convention being authorized only to amend those laws which constituted the form of government, no general dissolution of the whole system of laws can be supposed to have taken place; but all laws in force at the meeting of this convention, and not inconsistent with this constitution, remain in full force, subject to alterations by the ordinary legislature.

The present General Assembly shall continue till the 14th day after the last Monday of November in this present year. On the said last Monday of November in this present year, the several counties shall, by their electors qualified as provided by this constitution, elect delegates, which for the present shall be, in number, one for every militia of the said county, according to the latest returns in possession of the governor, and shall also choose senatorial electors in proportion thereto, which senatorial electors shall meet on the 14th day after the day of their election, at the Court-house of that county of their present district which would stand first in an alphabetical arrangement of their counties, and shall choose senators in the proportion fixed by this constitution. The elections and returns shall be conducted, in all circumstances not hereby particularly prescribed, by the same persons and under the same forms, as prescribed by the present laws in elections of Senators and Delegates of Assembly. The said Senators and Delegates shall constitute the first General Assembly of the new government, and shall specially apply themselves to the procuring an exact return from every county of the number of its qualified electors, and to the settlement of the number of Delegates to be elected for the ensuing General Assembly.

The present Governor shall continue in office to the end of the term for which he was elected.

All other officers of every kind shall continue in office as they would have done had their appointment been under this constitution, and new ones, where new are hereby called for, shall be appointed by the authority to which such appointment is referred. One of the present judges of the general court, he consenting thereto, shall by joint ballot of both houses of assembly, at their first meeting be transferred to the High Court of Chancery.

F I N I S



